

Accession Number.

Class Number

15365



April 1, 1889

Wm. D. Burleigh. L.P. 200

Digitized by the Internet Archive
in 2010 with funding from

Institute of Museum and Library Services under the provisions of the Library Services and Technology Act; Lyrasis Members and Sloan Foundation

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

OF
THE STATE OF INDIANA;

BEING THE
FOURTEENTH SESSION

State ^{OF THE} *Library*
GENERAL ASSEMBLY;

BEGUN AND HELD
AT INDIANAPOLIS, IN SAID STATE,

ON MONDAY THE SEVENTH DAY OF DECEMBER, A. D. 1829.

INDIANAPOLIS:
SMITH AND BOLTON, STATE PRINTERS.

.....
1829.

5365

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

AT THE FOURTEENTH SESSION OF

THE GENERAL ASSEMBLY OF THE STATE OF INDIANA,

BEGUN AND HELD AT THE CAPITOL, IN THE TOWN OF INDIANAPOLIS, ON MONDAY THE SEVENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE; BEING THE DAY APPOINTED BY LAW FOR THE MEETING OF THE GENERAL ASSEMBLY.

The following Members of the House of Representatives appeared and took their seats, to wit:

From the county of Wayne, *James Rariden, Henry Hoover, John Jones, and John Finley.*

From the county of Dearborn, *Horace Bassett, James T. Pollock, Thomas Guion, and Walter Armstrong.*

From the county of Clark, *Isaac Hawk, Alexander F. Morrison, and Andrew Fite.*

From the county of Washington, *Alexander Little, John Kingsbury, and Charles B. Naylor.*

From the county of Harrison, *Dennis Pennington, James B. Slaughter, and Robert F. Bell.*

From the county of Franklin, *David Wallace, and Benjamin S. Noble.*

From the county of Switzerland, *John Dumont, and Samuel Jack.*

From the county of Jefferson, *David Hillis, and James H. Wallace.*

18365
April 1, 1889

From the county of Orange, *Thomas Coffin*, and *John B. Moyer*.

From the county of Knox, *General W. Johnston*, and *John C. Reiley*.

From the county of Union, *Ross Smiley*, and *James Leviston*.

From the county of Fayette, *Marks Crume*.

From the county of Rush, *William J. Brown*.

From the county of Decatur, *Thomas Hendricks*.

From the county of Ripley, *Thomas Smith*.

From the county of Jennings, *Ezra F. Pabody*.

From the county of Marion, *George L. Kinnard*.

From the county of Jackson, *James Hamilton*.

From the county of Scott, *Jesse Jackson*.

From the county of Floyd, *Jacob Bence*.

From the county of Crawford, *Seth M. Levinworth*.

From the county of Lawrence, *Pleasant Parks*.

From the county of Monroe, *John Ketcham*.

From the county of Gibson, *Samuel Hall*.

From the county of Posey, *William Casey*.

From the county of Sullivan, *George Boon*.

From the county of Vigo, *Thomas H. Blake*.

From the counties of Vanderburgh and Warrick, *Robert M. Evans*.

From the counties of Perry and Spencer, *Richard Polke*.

From the counties of Pike and Dubois, *Thomas C. Stewart*.

From the counties of Daviess and Martin, *James G. Read*.

From the counties of Green and Owen, *Eli Dixon*.

From the counties of Putnam and Clay, *John McNary*.

From the counties of Parke and Vermillion, *John Gardner*.

From the counties of Montgomery, Fountain, Tippecanoe, Warren, Carroll, and all the country North, to the state line, *John Beard*.

From the counties of Hamilton, Madison, Hancock, Henry, and all the country North of said counties, to the state line, not attached to any other county or counties, *Elisha Long, and William Conner.*

From the counties of Allen and Cass, and all the country North, to the state line, *Anthony L. Davis.*

From the counties of Morgan and Hendricks, and all the country North of the said last named county, to the Wabash river, *Curtis G. Hussey.*

From the counties of Shelby and Johnson, *Rezin Davis.*

From the counties of Randolph and Delaware, *Lemuel G. Jackson.*

From the county of Bartholomew, and all the country lying West of the same, and East of Monroe, *William Herod,*

Who produced their credentials, and were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of this state.

The house then proceeded to the election of a Speaker,

On the first ballot, Ross Smiley had	28 votes,
Isaac Howk	28
Scattering	5

On the second ballot Ross Smiley had	29 votes,
Isaac Howk	29
Scattering	1

On the third ballot, Ross Smiley had	30 votes,
Isaac Howk	30
Scattering	1

On the fourth ballot, Ross Smiley had	31 votes,
Isaac Howk	28
Scattering	1

Mr. Smiley having received a majority of all the votes given, was declared duly elected Speaker, and was conducted to the chair by Messrs. Wallace of F. and Morrison.

The House then proceeded to the election of a principal Clerk; and upon examining the ballot it appeared that James F. D. Lanier was unanimously elected, who was sworn into office, by the Hon. Isaac Blackford, took his seat at the clerk's table; and entered on the discharge of his duties.

On motion of Mr. Johnston of Knox,

The House proceeded to the election of an assistant Clerk, and on counting the ballots, it appeared that

William Sheets received	31 votes,
Austin W. Morris	19
William G. Tevault	7
Scattering	3

Mr. Sheets having received a majority of all the votes given, was declared duly elected, was sworn into office by the Hon. Isaac Blackford, one of the Supreme Judges of this state, and entered on the discharge of his duties.

On motion of Mr. Read,

Resolved, That the House do now proceed to the election of an Enrolling Clerk, who shall not be sworn into office, until his services are required.

The House then proceeded, in pursuance of said resolution, to the election of an enrolling Clerk.

And on counting the first ballot, it appeared that

Harvey Gregg received	19 votes,
Edward A. Hanegan,	16
William Morrison,	12
Henry H. Talbot,	11
Scattering	2

On counting the second ballot, it appeared that

Harvey Gregg received	21 votes
Edward A. Hanegan	18
William Morrison	12
Henry H. Talbott	9

On the third ballot

Harvey Gregg had	23 votes
Edward A. Hanegan	23

William Morrison 13

Henry H. Talbott 1

On motion of Mr. Johnston, of Knox,

The House adjourned until half past 1 o'clock
P. M.

Half past 1 o'clock, P. M.

The House met pursuant to adjournment.

The House then resumed the election of an Enrolling Clerk and on counting the fourth ballot, it appeared that

Harvey Gregg had 24 votes,

Edward A. Hanegan 33

Mr. Hanegan having received a majority of the whole number of votes given, was declared duly elected.

On motion of Mr. Little,

The House went into the election of a Door-Keeper,

And on counting the third ballot, it appeared that

John C. Parker, received 35 votes

John C. Reed 24

Scattering 1

Mr Parker having received a majority of all the votes given, was declared duly elected; who was sworn into office by the Hon. B. F. Morris President Judge of the fifth Judicial Circuit of this state, and entered on the discharge of his duties.

On motion of Mr. Morrison,

Resolved, That the Clerk of this House inform the Senate, that the House of Representatives have met, formed a quorum, elected Ross Smiley, Speaker, J. F. D. Lanier, principal Clerk, William Sheets, Assistant Clerk, Edward A. Hanegan, Enrolling Clerk, and John C. Parker, Door-Keeper, and are now ready to proceed to legislative business.

On motion of Mr. Read,

Resolved, That the rules and joint rules, which were adopted at the last session of the General As-

sembly of the state of Indiana, by the House of Representatives for their government, be and the same are hereby adapted for the government of the House of Representatives, during the present session; and that the Clerk furnish the public printer with a copy of said rules and joint rules, with instructions to print immediately one hundred copies thereof for the use of the members of this House.

Resolved, That the Clerk inform the Senate of the adoption of these joint rules, and request the adoption of the same on their part.

On motion of Mr. Johnston of Knox,

Resolved, That a committee of one be appointed, on the part of this House, to act in conjunction with a similar committee to be appointed on the part of the Senate, to wait upon the Rev. Edwin Ray, and request him to open the present session of the Legislature by solemn prayer to Almighty God: And that said committee immediately report the time and place.

Ordered, That the senate be informed thereof, their concurrence requested, and a similar committee appointed on their part. Whereupon, the Speaker appointed Mr. Johnston, of Knox, that committee,

The House then adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 8, 1829.

The House met pursuant to adjournment.

A message was received from the Senate, by Mr. Dill, their Secretary, announcing that the Senate had adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate have met, formed a quorum, and have elected James Dill, Secretary; Charles H. Test, Assistant Secretary; James M.

Ray, Enrolling Secretary, and James Ball, Door-Keeper, and are now ready to proceed to Legislative business.

The Speaker announced the following as the order of business, to be observed by the House during the present session; or until changed by the same:

1. Reading the Journals of the preceding day.
2. Petitions, Memorials and Remonstrances.
3. Reports from standing committees in the following order: 1. On Elections. 2. Of Ways and Means. 3. On the Judiciary. 4. On Education. 5. On Military Affairs. 6. On the State Prison. 7. On the Affairs of the town of Indianapolis. 8. On Claims. 9. On Roads. 10. On Canals and Internal Improvements.

4. Reports from select committees (except the committee on Enrolled Bills, which may report at any time.)

5. Resolutions of this House.
6. Joint Resolutions.
7. Bills.
8. Orders of the day.

Robert Johnston, one of the members elect from the counties of Montgomery, Fountain, Tippecanoe, Warren, Carroll, and all the country north to the state line, entered, produced his credentials, was sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of the state of Indiana, and took his seat.

Mr. Little, presented a petition of Ezekiel D. Logan, contesting the election of Charles B. Naylor, as one of the members of this House, alleging that he is the person who was duly elected.

The above petition having been read, was together with the accompanying documents, ordered to be laid on the table.

The Speaker laid before the House a petition of D. S. Bonner, Chairman of the board of Trustees of Knox county Seminary, praying that compensation

may be allowed, out of the State Treasury, to Claudius G. Brown, for certain repairs done by said Brown, to the Knox county Seminary; which with the document accompanying the same, was read and referred to a select committee, of Messrs. Slaughter, Johnston, of Knox, and Pennington.

On motion of Mr. Wallace of Franklin,

Resolved, That Douglass Maguire, Editor of the Indiana Journal, and N. Bolton, Esq. be admitted on the floor of this House as reporters of the proceedings thereof; and that they have access to the Journals whenever it may be convenient for the Clerks to admit such access.

On motion of Mr. Brown,

Resolved, That a committee of two be appointed on the part of this House, as a committee of Enrolled bills; to act with a similar committee to be appointed on the part of the Senate.

Whereupon,

Messrs. Brown and Morrison, were appointed said committee.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Moyer,

Resolved, That the Secretary of State be directed to furnish thirty one copies of the Journals of this House of the last year, for the use of the members.

On motion of Mr. Little,

Resolved, That the Door-Keeper be directed to procure four writing desks, similar to those now used in the Hall of the House of Representatives, for the use of the members of the House.

On motion of Mr. Johnston of Knox,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, instant, to be present at the opening of the present session by solemn prayer; and that seats be provided for them on the right of the Speaker's Chair.

The Senate came down into the Hall of the House of Representatives, and took their seats on

the right of the Speaker's chair; the President of the Senate on the right of the Speaker. When the committee appointed for that purpose, came in, attended by the Rev. Mr. Ray, who took his seat by the Speaker. After a short pause he rose and addressed the Throne of Grace in an appropriate and impressive manner. The Senate then retired to their chamber.

Mr. Rariden presented the following resolution, viz:

Resolved, That this House will hereafter meet at 9 o'clock in the morning and continue in session until 4 in the evening.

The said resolution, being read,

Mr. Pennington moved to lay the same on the table.

Which motion was carried in the affirmative.

A message was received from the Senate, by Mr. Test, their Assistant Secretary, announcing that the Senate have adopted the following resolution, *to wit*:

Resolved, That the joint Rules for transacting business between the two Houses, as adopted by the House of Representatives, be and the same are hereby adopted on the part of the Senate, and that the House be informed thereof.

On motion of Mr. Johnston of Knox,

Resolved, That a committee of two members be appointed, on the part of this House, to act in conjunction with a similar committee, to be appointed on the part of the Senate, to wait upon his excellency, the governor, and inform him, that, the two Houses have formed quorums, elected their officers, and are now ready to receive any communication he may please to make to them; and to know of him at what time he will make such communications.

Whereupon,

Messrs. Johnston of Knox, and Blake were appointed said committee.

Ordered, That the clerk inform the Senate thereof, and request their concurrence.

Mr. Johnston of Knox, after obtaining leave, presented a bill respecting free negroes and mulattoes, servants and slaves; which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Levenworth,

Resolved, That the secretary of state be requested to furnish thirty-one copies of the Revised Statutes of 1824; and the same number of copies of statutes of 1825-6-7-8 and 9, for the use of this house.

A message was received from the Senate, by Mr. Test, their assistant secretary, announcing that the Senate has adopted the following resolution, viz:

Resolved, That a committee be appointed on the part of the Senate, to act in conjunction with the committee appointed on the part of the House of Representatives, to wait on his excellency, the governor of the state, and inform him that quorums of the respective houses of the general assembly have met, and are ready to receive any communications, which his excellency may think proper to make to them, and know of him at what time and place it may suit his convenience, to make such communications, and that the House of Representatives be informed thereof.

Messrs. Depauw and Orr have been appointed said committee, on the part of the Senate.

Mr. Johnston of Knox, from the joint committee, appointed to wait on his excellency the governor, and inform him of the readiness of the two houses to receive any communications he may have to make; and know of him the time and place he will make the same, reported, that they have performed that duty; and received for answer, that he will, with much pleasure, meet the two houses in the representative's hall, at 2 o'clock, P.M. this day, when he will address the general assembly.

Mr. Johnston of Knox, after having obtained leave, presented a bill "to amend the several acts

respecting officer's fees;" which was read the first time, and passed to a second reading, to-morrow.

The house then adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Johnston of Knox,

Resolved, That the Senate be invited to attend immediately in the hall of the House of Representatives, to receive the message of his excellency, the governor; and that seats be provided for them on the right of the speaker's chair.

Ordered, That the clerk inform the Senate thereof.

The speaker then appointed the following standing committees, *to wit*:

1. A committee on elections, Messrs. Hillis, Leviston, Gardner, Herod, Hoover, Polke, and Smith.

2. A committee on ways and means, Messrs. Read, Brown, Reiley, Evans, Hendricks, Wallace of Jefferson, and Jack.

3. A committee on the judiciary, Messrs. Rariden, Howk, Johnston of Knox, Hall, Wallace of Franklin, Kingsbury and Herod.

4. A committee on education, Messrs. Bassett, Slaughter, Levenworth, Pabody, Dumont, Hall and Finley.

5. A committee on military affairs, Messrs. Evans, Ketcham, Wallace of Franklin, Noble, Long, Smith, Bell, Kinnard, Stewart and Davis of Shelby.

6. A committee on the affairs of the state prison, Messrs. Howk, Jones, Pollock, Morrison, Fite, Hamilton, Parks and Davis of Shelby.

7. A committee on the affairs of the town of Indianapolis, Messrs. Kinnard, Armstrong, Bence, Beard, Conner, Hussey and McNary.

8. A committee on claims, Messrs. Boon, Naylor, Guion, Casey, Jackson of Scott, Jackson of Delaware and Coffin.

9. A committee on roads, Messrs. Pennington, Little, Wallace of Jefferson, Crume, Moyer, Read and Dixon.

10. A committee on canals and internal improvements, Messrs. Blake, Johnston of Knox, Wallace of Franklin, Hillis, Bassett, Davis of Allen, Reiley, Boon and Johnston of Tippecanoe.

The Senate came down from their chamber, and took their seats on the right of the speaker's chair, the president of the Senate on the right of the speaker. His excellency, the governor came in, attended by the joint committee appointed to wait upon him; and in the presence of both houses, in person, delivered the following Message:

Gentlemen of the Senate,

and House of Representatives :

The occasion on which you are assembled, as the representatives of the people, for solemn and patriotic deliberation, upon the great concerns of the state, is most auspicious and interesting. Protected and prospered by the goodness of Providence, which has been eminently displayed during the past year, our grateful and devout acknowledgements should be offered to the Divine Giver of the manifold favors bestowed upon us. The many blessings which have been dispensed to the people of Indiana, in common with those of her sister states, should inspire us with a solemn sense of the great and joint responsibility thus enjoined upon us, to improve upon our numerous advantages; while we venerate the Power that bestows them, as the only condition on which we can hope for a continuance of His smiles and favor. Healthful seasons, abundant harvests, with peace, general prosperity, and a growing morality, are the displays of his goodness; which, while they demand our mutual, fervent gratulation, and grateful remembrance for the past, serve to brighten our prospects of the future, and impose the duties of activity and diligence, as the surest means of being enabled, under the divine blessing, to realize its fondest anticipations.

The unabated current of emigration, which still continues to flow into the state, and to spread itself throughout the limits of our territory, affords the surest indication of our rapid approximation to that high rank among the states of the Union, to which we must be irresistibly conducted, by our own fixed and commanding condition and advantages. Other and not less important indications of this approaching result, are witnessed in the abundant productions of a late uncultivated but fertile soil, recently visited by the plough and the sickle;—in the improvement of natural facilities of conveyance, and the

projection and progress of artificial ones;—and in the increasing wealth, enterprise, intelligence, temperance and morality of the general and rapidly accumulating mass of our population. This state has, justly, within the past two or three years, arrested more of the attention, and elicited more of the admiration of the American inhabitants, who have resolved upon a change of domicile, than any in the Union. For months past, we have daily seen from twenty to fifty wagons, containing families, moving through this single metropolis; most of whom have fixed their abodes in the White River country, and in that bordering upon the Wabash. To suppose, that there were six families, to have daily gone through this place, on an average, for the whole year, and that not more than a fifth of the whole which the entire state receives, take this route—making our daily aggregate increase, thirty families—would not appear to be extravagant. Add to this, the supposition, that each family amounts to six in number, and our diurnal increase would be one hundred and eighty; which multiplied by the days of the year, make altogether, sixty-five thousand seven hundred souls. To this, too, may be added, at least five thousand for the natural increase, by births more than deaths,—giving us at this time, upon this hypothesis, about seventy thousand additional per annum. This is but conjecture. But may we not, with mathematical certainty, take three fourths of this computation for the *minimum* of our real increase? Could we but be permitted by any honorable means, to make the complete increase of another full year a part of the next federal census, to be taken during the ensuing season, by a procrastination of the service, until late in the fall, our complete return would then, likely, be four hundred thousand; which, under an apportionment bill, fixing the ratio at fifty thousand, would swell our congressional delegation from *three to eight*, in ten years time. So great an influx from abroad, in connexion with the natural increase at home, of human intelligences, so suddenly incorporated into the community, whose interests the statesman has in charge—many of whom are just rising to manhood—whilst others are possessed with their riper judgments, formed by their earlier education and first and most indelible impressions—impose upon those in power, a trembling responsibility, in the wise application of law to the varied condition and multifarious circumstances of all, upon the broad basis of general equality; and reconciling at the same time, the demands of public policy with individual rights. The task, so very often exacted from the law-giving authority, in a new state like ours, with a people of such a variety of uncompromised opinions, entertaining as many different views of

social regulation, as there are countries or states from which they sprung—to give entire satisfaction to all, is an undertaking, under prospects of success, but a little more cheering than those which have hitherto illumined the path of the bold and indefatigable projector of perpetual motion. But though such discouraging obstacles rise up before the Legislator, in the midst of his noblest exertions for the honor and interest of his country; it is not his duty, for this cause, to relax his diligence and efforts, in devoting his days to the public service;—still aiding the great cause of “successful experiment,” with all the available means at his control, mental, physical, or pecuniary, and leaving the result to the indulgence and charity of his fellow-citizens.

MARKET.

At no former period within the history of the state, have our yeomanry been more amply rewarded for the various productions of their soil and labor, than in the year which is just coming to a close. Like commerce, agriculture has of late experienced her agreeable fluctuations. The prices which flower, corn, pork, beef, whiskey, and other inferior articles of export, have commanded for the past season, are encouraging to our present respectable class of farmers, and inviting to those to become proprietors of soil, in this more favored region of the “great west,” who are situated in countries where nature has been less prodigal of her gifts.

The invasion, by Spain, of her old colonies, now the neighboring republic of Mexico—the civil wars in South America—the failure of crops in many parts of Europe, and the augmented armaments and preparations for Russian and Turkish warfare, have not been without their influence in regulating the price of American bread stuffs. And the late successes which attended the triumphant battalions of the invader, calculated to put a period to the war, by the fall of the empire of the Ottoman, or to produce a speedy pacification, or a still more general rupture, in connexion with Mexican and South American disturbances, will, in after time, either for good or for evil, tend to regulate the price of American staples. If, independent of the charms of the pastoral life, inducements were wanting for the investment of capital and labor in agricultural employment, and to cause the farmer, *first* in the roll of his country, to adorn and venerate his own high post of honor, they are to be found in the relative condition of the different and mutually dependent classes of industry. Agriculture, on whose operations depend the prosperity of all, will inevitably meet the reward due to her products—from the gradual di-

versification of mechanical, professional, and other employments,—from the rise of manufactures, transmuting large bodies of people from producers to consumers—from the magical growth of cities and towns, and from the general abandonment, by the southern states, of the culture of productions better adapted to northern climes, for the more profitable pursuit of raising cotton, rice, sugar, and other tropical fruits.

STATE INTERNAL IMPROVEMENT.

This subject, though more than once pressed upon the attention of the Legislature, can never grow irksome, since it must be the source of many of the blessings of civilized life, to secure its benefits, is a duty enjoined upon the Legislature, by the obligations of the social compact. It is the greatest auxiliary which belongs to human industry in the legitimate performance of her noblest functions, aiding all her operations with convenience, profit, and velocity, in transporting and diffusing the bulky labors of her hand; thereby ministering to the wants, and augmenting the pleasures of the social state. The best of countries and the best of markets, are alike unavailing, in the absence of those facilities, which can alone render both interesting and valuable. Roads and canals serve to diminish distance,—to save time and labor,—to save and make money,—while they are the means of intercourse, and the bonds of union, to communities that might otherwise become distinctive in character and interest; whose ultimate prosperity must mainly depend upon an uniformity of the one, and a reciprocity of the other. They ever have maintained a proud pre-eminence in the bosom of every well-wisher of his country. Indiana will be taught by experience to view the construction of useful improvements, as identical with the realization of her most sanguine anticipations, in the attainment of power and happiness. Her navigable rivers and leading roads are objects worthy of the most intense solicitude of the Legislature. Upon these objects, the bestowal of both treasure and attention, must be prompted, if from no other consideration than a regard for the great farming interest of the country, whose hopes on this subject are equal to their claims.

A regular system of state internal improvement, adapted to the wants and resources of the people, and also in anticipation of a just proportion of the surplus revenue, which, but a few years hence, after the extinction of the national debt, will remain in the treasury of the Union for distribution and expenditure, and with an eye to the public lands or their proceeds, would not be considered, even at this early period, either pre-

mature or impolitic. The precautionary step of preparing the public mind for the most important public works, by the time that other means than those of the state, may be accessible, will doubtless be duly appreciated by your constituents, and will deservedly give you a strong claim upon their increased good opinion of your wisdom, your valuable services, and your fidelity to the state. To you, best acquainted with the views of those whom you have the honor to represent, whose privilege it is, to bring forward and perfect the details of such a system, this subject is gravely submitted.

In agreeing upon a general system of state improvement, to be effected at some future time, by the combined resources of the national and state governments, among the expected works of undoubted utility, which the topography of the state shall recommend to your notice with prominent plausibility, the following deserve to be noted for their importance: The construction of a rail-way from a southern point on the Ohio river, to the Wabash and Erie canal, by the way of the seat of government: another from Fort Wayne, through the White Water country to Lawrenceburg, (a canal having been reported impracticable;) and a clay turnpike road from the seat of government, running eastward, in a direct line for the city of Cincinnati. When the Michigan and Ohio road shall be permanently established, it will doubtless be expedient to intersect it at different points, with clay turnpike roads from various directions; as well as to improve by turnpiking or other means, the road from the Falls of the Ohio to Vincennes, and the roads from Indianapolis to the western, south-western, northern, and north-eastern, and western parts of the state. Other improvements are expected to be pointed out by your sagacity.

In the meantime, it will also be expected from the justice of the Legislature, that, if any portion of the three per cent. fund, beyond the one hundred thousand dollars already expended, should hereafter be appropriated on roads, an equitable proportion of the same will be laid out in making roads through the new counties, which have been organized since the passage of the act appropriating the one hundred thousand dollars. The improvement of our rivers and common roads, by the yearly application of additional labor or money, is as essential to the health of the body politic, as is the free circulation of the blood from the heart, through the whole arterial human system, to its vigor and usefulness. Whatever portion of expense and labor, is applied to these objects, is amply repaid by its own productiveness; but, should not exceed the limits of a judicious

economy. In another place this communication shall look with great confidence, to a change of service from the *useless* to the *beneficial*, as a means of forwarding our most solid interests in this respect.

NATIONAL, NEW YORK, AND MISSISSIPPI RAIL-WAY.

The master spirit of the age—the genius of improvement—as if with the design of increasing the astonishment of nations, already watching the progress of the American states, with an admiration which even jealousy cannot smother, has, within the last year, penciled to the public view, a project as grand in its design as it would be glorious and useful in its execution. Nor does its magnificent conception obscure the sober conviction of its practicability. Nothing less is aimed at than the gigantic purpose of wedding the extremes of our vast country by one of the most approved methods of conveyance, which, for celerity, ease, and cheapness of inter-communication, stands foremost on the list of modern inventions of the kind.

“The proposed rail way, has for its object, not only the connection of the great cities on the borders of the Atlantic, with the magnificent lakes and rivers of the west, by a channel, available at all seasons of the year, but also the developement of the latent wealth and resources of large and valuable tracts of country, comprising the border counties of New York, New Jersey and Pennsylvania, and extending along the more remote portions of the route, which are not now traversed, by any of the great works, which have been constructed, or are in progress under the patronage of the several states. It affords happy facilities for accomplishing these great objects, in a manner that will best subserve the interest of the whole community; and by connecting the great canals and rivers of New York, Pennsylvania, Ohio and Indiana, at different points, will afford important collateral aid to the plans of internal improvement which have been adopted in these states.” The friends of this work, anticipate by it, a connection between the city of New York and the Mississippi, a distance of nine hundred and ninety-three miles. Its course will be through six of the states of this union and pointing to the seventh. “The whole extent of the proposed rail way, could be constructed for a sum, little, if at all, exceeding that which the state of New York has expended on its justly celebrated canals; and its cost would be trifling in comparison with its benefits, or even to the increased value, which it would give to the lands which border on the route. It would when completed, be far more beneficial in its effects on the intervening country, and on the National prosperity, than to turn the Mis-

Mississippi itself, (with her train of evils along with her blessings, in the same course. Free from the inundations, the currents, the rapids, the ice, (its unhealthy atmosphere, the perils) and sand bars of that mighty stream, the products of its wide spread valley would be driven to the shores of the Atlantic, with far greater speed, than if wafted on the wings of the wind; and the rapid returns of commercial equivalents, would spread life and prosperity over the face of the finest and fairest portion of the habitable globe. "Without enquiring whether such a work could best be accomplished by the several states through which the route extends; or by incorporations, aided by grants of money or lands from the general government, it is sufficient to assert, that our citizens have only to appreciate the value of the enterprise and raise their voices in its favour and it will be accomplished." A single rail way, and turnouts graded sufficiently wide for two sets of tracks, for the whole distance, are estimated at only \$8,000,000. This is scarcely the third of the national income for a single year. It is ascertained, that this does not equal the half of the sum paid yearly by the consumers of wines and ardent spirits in the United States. The cost of transporting, only one dollar per ton, per one hundred miles. Merchandise could be conveyed from New York to the Mississippi in a week, and mails and passengers with still greater velocity. The route of this Way, changed further south, so as to run more central through the western states directly interested in it and these states wishing to promote their advancement in wealth and power, by a multiplication of all the resources which constitute greatness, individual happiness and prosperity, must yield to it a cordial and unwavering support. Indiana should take a peculiar pride in supporting a cause which will throw her commodities, into the best markets on the continent.—Let her speak to her congressmen on the subject, that they may feel at liberty to give it their aid if the great question should be agitated there. When it is considered that the surplus revenue of the Nation, which will, in three or four years be under the control of Congress, more than can be used in the ordinary support of the government, which the states directly interested in the work, would be entitled to, as their just proportion, upon any known principle of distribution, as to territory, population, or federal representation—is competent to the consummation of this brilliant scheme in two short years—the magnitude which at first blush, the work assumed, dwindles into one of easy accomplishment.

NATIONAL ROAD.

The history of the progress of this road westward for years

past has been attended to with deep solicitude. The fifty thousand dollars appropriated on it by an act of the last Congress, must be viewed as an *advance only* of so much of the two per cent. fund, which the people of the new states are entitled to and is now due—not as a *boon* but as a *right*—by the act of Congress of 1816, and as a consideration for yielding up the right of taxing the public domain. The reflection that this sum of money is not a free gift appropriation out of the national treasury—like many of those that preceded it, for the continuation of this celebrated federal ligament, but the *dearly bought* fund of the state, which might with propriety have been appropriated on other roads “leading to the state,” leaving the national road to be completed by national means, has awakened a lively interest to apply it in a judicious manner. The ambiguity of parts of the act, and the singular expressions of other parts, indicating a compliance with what the science of road making would condemn, occasioned rather an uncommon difficulty in arriving at its proper construction. The whole, however, has resulted in the closing of contracts for removing the timber off from the whole width [80 feet] of the road, and for grubbing thirty-feet of the centre, through the state; so as to leave the road prepared for grading and the immediate application of other appropriations, which it is expected you will ask Congress to make, at their coming session. There will be a surplus of about \$15,000 in the hands of the commissioners, to be expended, during the next season, in digging down abrupt elevations, &c. The last instructions from the secretary of war, requiring the timber in the centre of the road to be grubbed instead of cut, though not expressly authorised by the *letter* of the act, are in accordance with its *spirit*, with common sense, with common usage, and of almost inconceivable advantage to the state; and entitle the the proper department to the most unqualified commendation. This latter determination, will encourage us to look with increased confidence, for the completion of the road within some reasonable time. But the policy of leaving the stumps of the durable timber in the road, wears the most questionable complexion, creating as its sure consequence, an apology founded in reason for procrastinating any further operations on it, until the same shall have decomposed by times wasting process. And we are still further consoled, by the conviction, created by the new instructions, that the President is about to become its patron.

I have it in charge from the secretary of war, to apprise you, that there is no law of Congress in existence, authorising the condemnation of individual property, through which this road passes, that has not been relinquished, which the commissioners suppose

to be about ten miles in length. Our constitution which secures to the citizen the inviolable right of private property, necessarily makes it incumbent on you at this session, to pass some law (there not being any that embraces this case) which will make provision for the redress of any injury that may accrue to such property from an extension of the road upon it. The commissioners are instructed not to brake soil in any case, where the privilege of way has not been granted, until the property is condemned through the action of a state law. The amount of damages which the state may become liable to pay, if any, should, as a matter of course, be made the subject of further congressional legislation, and be refunded out of the national treasury.

MICHIGAN AND OHIO TURNPIKE.

This road has already unnecessarily been the cause of much artificial, fallacious and embittered controversy and excitement. The subject is again presented, under the confident hope, that former differences of opinion and interest, will be speedily adjusted, and that provision will be made for the permanent and judicious location of the whole route from the Lake to the Ohio river. Under this impression, and having taken an active interest in this important work, from the time it was first conceived and projected, I avail myself of this occasion, to review briefly, the report of the Commissioners of this road, of 1828.—This I conceive to be a duty, the omission of which, no cause, private or political would justify, in the view of my own conscience, and in that of posterity—should there be danger of defeating the great original design of making this work an extensive blessing to the people of Indiana, by the influence of private interests, or of erroneous opinions. Although I am ready to acquit the commissioners of any improper intention to do a public injury, yet, the route, (particularly, north of the Wabash,) which has enlisted their preference, seems to me, neither a compliance with the meaning and spirit of the treaty, nor to afford a guarantee of much public utility. If it is looked to as the means of aiding the people to drive on foot to the Lake, their cattle and hogs, to be there slaughtered, barrelled up and shipped to the market—if the Lake should be viewed as a place of deposit for other commodities—and the point from which foreign salt and other supplies are to be brought into the interior of the country—it argues, that the road to that point should be on a direct line, or as nearly so, as practicable. It must loose much of its *utility*, if it does not in time, altogether fall into disuse, by a circuitous extension of its course, to meet its intended commercial points. The route preferred by the report,

measures upwards of one hundred miles from the Wabash to the Lake. The one rejected, only seventy-three—the difference being nearly thirty miles.—Then the matter resolves itself into this, that in order to be permitted to travel from one point to another, only seventy-three miles apart, the traveller, emigrant or citizen, must be placed under the unreasonable necessity of taking upon himself, the labor of over coming twenty-eight or thirty more. The reason urged against the short route, that it “will require bridging, causewaying or turnpiking,” and that it is wet in places, or level and marshy, will doubtless apply to the long one; and is rather a reason in favor of a route, designed as this is, for a clay-turnpike, than against it. There is no material better suited than marshy land, when properly graded, to make a substantial clay-turnpike; far superior to rich soil. The report further shows, that the short survey runs through thirty-three miles of good land; a tract altogether sufficient from which, to select the whole donation. Both routes terminate at the mouth of the river Dysman, where a harbour for vessels may be easily made. If there is any thing to require and justify this increase of distance, it has not fallen within my observation. Let the long route even be established, and so soon as the country is settled on the Lake and the Wabash, it must, in the nature of things, yield to public necessity for a shorter communication. If the position can be sustained, that this road can be carried to a point almost as far north as the Lake, and then run west to it, increasing its regular estimated distance nearly thirty miles, then, indeed, by the same reasoning, it may be made to take its circumambient course, along the sinuosities of the State’s border, until it finds the place of its lodgment. The St. Josephs, where the road, as now located, strikes it, cannot be relied upon and cannot be navigated except by Keel-boats—only at freshets—White river at this place, being about its equal.

With regard to the section of this road, south of the seat of government; duty to myself and to the State, combine in urging me to state, that inasmuch as *those* who procured the insertion of the article in the Indian treaty, which cedes the land for making the road in question, have suffered in reputation by the insinuation, that they lacked independence in not fixing the point on the Ohio river, the Executive of this State, (if authorised by law,) is willing to appoint Commissioners that will perform this highly responsible duty. The performance of so very unpleasant and responsible a task, is not, however, sought for, only as a *dernier resort* of putting an end to a question, which has already had too great an influence upon the legislation and politics of the State.

The subject of disposing of the lands granted for this work, has, within the past year, engrossed much of my reflection. All the investigation I have been able to bestow upon it, has resulted in the sober conviction, that the road may be improved in the best manner, by the direct application of the land itself in payment of the contractors, without incurring the expenses and delays, incidental to a sale; or by creating the largest amount of obligations or promises or stocks equal to money, drawing interest, which a sale of the land would be *capable* of producing, on the most liberal credit, under sure penalties and on safe securities. These two modes of disposition, under all the circumstances with which the subject is associated, are selected, as the *best* of a number proposed. And of these, the latter is preferred, not as being more simple, but as most profitable to the State. The first offers its inducements to favour, by the despatch it would insure to the consummation of the object in view—as under it, the work might go on at once; which might compensate in part, for a sacrifice of a portion of the advantage consequent on delay, and a sale in the manner alluded to. In testing the merits of the first proposition—the issue of certificates or scrip, made negotiable, and payable in land, of eighty acre tracts, to be selected by the holder and entered in some public office, at such a minimum price as to make the certificate equal to the legal currency of the country, but of the value of the land it covers, may be with propriety, taken into consideration. But the question of *sale* points out its own beneficial concomitants, many of which bear with them their own weapons of defence. A sale of these lands for twenty annual payments from the time of sale, the whole bearing interest at the rate of six per cent. per annum, from the day of sale, except the first payment, which, then, together with the interest of the whole purchase money unpaid, should be paid in *advance*, and so on yearly afterwards, combines more advantages and is subject to fewer objections, than any other plan which my humble capacity has been able to embrace. The payments should be so divided and regulated, as to make the *first* the largest, the *second* the next largest, and so on, with the advance of years, diminishing each payment down to the last,—a payment in advance, with interest of the remaining purchase money to be made yearly; so that the purchaser will be becoming more and more interested in the land; have stronger and stronger inducements to comply with his contract, with the lapse of years, and the consequent gradual investment of money in the land. If the constantly increasing inducements which this plan holds out to the purchaser, not to injure the soil

or timber to a greater extent than the land is benefited by the improvements made on it, or if its being increased in value by the proximity of the canal, should not be considered sufficient to stay the commission of waste, let the law contain a suitable injunction against its perpetration until at least *half* the original purchase money shall have been paid; *after* which, interest will operate as a preventative: *before*, as an inducement to pay that half speedily. Certificates promising to make a title, where the last payment is made, will make the land its own security. Privilege to pay up the whole, at *any time*, should be offered. Let the road be divided into three sections, to be completed in three years; the first section to commence at the Ohio river and extend to Indianapolis, to be finished the first year; the second, at the latter place and reaching to the Wabash, to be finished the second year, and the third section commencing at the Wabash and terminating at the Lake, to be completed the third year: As the southern section of this road would be at the beginning much travelled, it should first be completed, commencing at the Ohio. A quantity of land proportionable to this section, might be sold and applied the first year; and so of the other lands and sections in their years. This course might be better than to sell all the land at once, as by the first sale and the application of its proceeds, confidence would be inspired, which would likely make the lands remaining advance in price, beyond the interest lost by the delay.—The first sale, will ascertain the amount of money to be applied to the first section, and by division, to each mile; until which takes place, safety requires that no contracts ought to be made. The amount of money capital created by the sale, would also point out the required loan, which should be equal to the credits on the land, subject to be extinguished by the annual payments due on the same. Prudence would require the loan, to be always less than the securities or capital stock on hand. These securities or stock, will be equal to six per cent. stock, and may be at any time easily exchanged for money. To effect this, negotiable collateral obligations may be taken from the purchaser, corresponding with the terms of the land certificate and required loan. The above is but the outlines of that system which, it is deemed most expedient to adopt, under all the many circumstances with which the land is environed. If we sell these lands upon nearly, or quite the same terms on which government lands are disposed of, they must be expected to command about the same price. But terms like those recommended, which amount to a loan of the purchase money, enabling the purchaser to make the differ-

ent payments out of the land itself by his own labor, are enforced alike, by the individual benefits they will confer, and the public interest they must improve.

By the operation of the plan suggested, monied combinations and monopolies will be checked, and a fair competition will take place between them and those who expect to become citizens, and to cultivate the soil they bid for.—Upon the supposition, that from the Lake to the Ohio river, the whole extent of this road, is two hundred and thirty miles, there will be about one hundred and fifty thousand acres of *select land*, donated by treaty, to be applied to its improvement, and this sold at only two dollars per acre, would enable us to realize the sum of three hundred thousand dollars. The average per mile, twelve hundred and eighty dollars. This amount or less, will make a clay turnpike, besides good strong wooden bridges over the streams; if we may make an estimate according to the propositions submitted, for cutting and grubbing the national road in this State, which only averaged two hundred and twenty dollars per mile, and the grading proportions were equally low in proportion. To your wisdom the whole is submitted.

ROLLER OR WHEEL ROAD.

I shall lay before you a paper containing Mr. John Gardner's invention of the Roller, or Wheel Road. You will be pleased with the ingenuity and plausibility of the scheme of the inventor, if you are not disposed to ascribe to him the credit of making an imposing improvement upon the known facilities for transporting goods by land or water. If the theory of the inventor will stand the test of practical experiment, its rank will be exalted, in the scale of invention.

WABASH AND ERIE CANAL.

After the adjournment of the last General Assembly, in compliance with their resolutions, on the subject of the canal, I forthwith procured a copy of the same to be mailed for the Executive of the state of Ohio; and also directed a like copy, together with other documents which were thought necessary, to be transmitted, to the commissioner of this state, appointed to negotiate with the commissioner of the former state, on the subjects of the necessary definitive adjustment, contemplated by the two states. It is understood, that they have agreed upon certain conventional stipulations, the nature of which will be developed to the separate Legislatures by the commissioners themselves. It is wished, that they had been concluded upon the basis of reciprocity; and with an eye to the *speedy*

commencement, the vigorous prosecution and successful consummation of the enterprise in hand. If this could have been effected, at the same time guarding against future collisions between the two states and preserving to us a reasonable interest in the grant, the negotiation would have been hailed as an achievement worthy of the most agreeable recollection. How far the state canal commissioners (one of whom it became my duty last spring, until your meeting, to appoint, in the room of Robert John, Esq. resigned) have succeeded within the past season in making selections of the canal lands and in giving identity to the canal route, they will shew to you by their own report—plats of the same, shewing the inter-sections of the state land with what belongs to the United States, having been made out and forwarded this fall to the General Land Office, no doubt remains but that the government lands, as also the whole purchase of 1826, will be brought into market in the spring. According to the letter to me, of the commissioner of the General Land Office, they would have been offered for sale this fall but for the want of the plats mentioned.

Presuming that after much discussion and long reflection, the public mind, has taken a favourable turn towards this canal, if it can be completed in a reasonable period, and without deep state involvement, and after your approval of the arrangement made with Ohio, the momentous question which must arise, is, as to the *means*—the Archimedian lever of all such colossal enterprises,—without appealing directly to the pockets of the people; than the pressure of additional burdens upon whom, nothing will sooner prostrate effectually the desirable work.—The *real* friends of this communication, if *their aim is ultimate success*, should stand *undivided*, in looking to that sort of legislation, that kind of system—that unsophisticated policy, which by its own influence and effective power—unaided by state finance—will lay the foundation for producing the *entire means*, either now or at a more distant day, for its most safe, most certain and irrepealable reliance against the fluctuations of a mutable public opinion. The most of the substantive outlines of such a system, have been delineated, in the remarks already submitted on the subject of the lands granted for the Michigan and Ohio road, so that repetition here would be useless. The last Legislature have acted happily on the good idea, in authorising the sale of the school sections, except that they did not extend indulgence to purchasers far enough, to embrace the full scope of its advantages. The high price many of the school sections have sold for, is an eloquent and convincing commentary on the principle. The sale of the canal lands lying in Indiana, for

twenty annual payments, drawing interest from the day of sale, and requiring the interest of all the payments, unpaid, with the payments due, to be paid in advance, annually, as well as the first payment; regulated so as to preserve the land against contingency, forfeiture and waste, and to secure the prompt payment of principal and interest—will, it is confidently believed, create six per cent. stock enough—having the best indemnity, to cover a loan, equal to the estimated cost of all that part of the canal line, which lies in this State. If any other device can be brought forward which promises, by its own internal evidence, to do more than this, let it be received.

The assumed distance of the canal, from the Ohio line to the mouth of Tippacanoë river, is 128 miles, and the quantity of land to be applied to its improvement, is 640 sections, or 409,000 acres. These lands, upon the credit named, considering the advantages of soil, climate and water communication, and other valuable appendant properties, may be considered low at the estimate of \$2 50 per acre, on an average. At this price, they will create a capital of upwards of one million of dollars, if sold now. The canal Commissioners estimate the 128 miles of canal, at \$1,081,970, which is thought to be too high. Thus it may be seen that a stock, bearing interest corresponding with successive loans as they are needed, may be created by *periodical* or *simultaneous* sales of these lands, as may be thought most advisable, rather exceeding than falling short of the complete cost of the canal. It is contended by some, that the next best plan to this, is the one which is presented by a report of the canal committee of the House of Representatives, at the last session, now spread upon the journals;—by a reference to which it will be seen that the scheme there recommended, contemplated the completion of the canal by the year 1835, together with the sale of the *whole* of the lands in the mean time, and the expenditure of all its proceeds, at the expiration of the time; besides, leaving a debt of six hundred and thirty one thousand, nine hundred and seventy dollars upon the shoulders of the people, without any tangible resources to discharge it, but a recourse to their private purses and to the tolls and water privileges. Comparison here, would be useless. This work *might* be finished by the year 1835, and this alarming and ruinous debt avoided; if it be thought expedient to commence operations at all before something more definite shall have been fixed upon for the Ohio section. Whenever the time shall arrive for a commencement, the summit section, opening a limited commerce, should be first put under contract. From this point, as fast as resources accumulate, it

should be continued down the valley of the Maumee to the foot of the rapids, and down the Wabash as low as Lafayette or lower. The growing importance of this town would justify such a result, and render it very probable. The necessary length of this communication, requires my remarks on this interesting matter, to be very general. A confidence in your intelligence leads me to suspect, that you anticipate all the various details requisite for so great an undertaking; and that you will have no difficulty, unassisted by unauthorised dictation, in organizing them into a material element of practical experiment.

Before we agree to sell the canal lands to *the highest bidder for cash in hand*, it will be proper to look well to consequences. To sell the land for canal purposes, will amount to a pledge to the General Government, and to the *purchaser*, to go on with the work or be liable to the *one* for its value, and to the *other*, if we fail, for damages. And if cash sales should produce no more money, than what the Commissioners have supposed, \$500,000—making the required loan of \$500,000 more, too great for the ability or courage of the State afterwards, or so great, as to dissuade the legislature from authorising a loan; *then*, indeed, the State will be in almost an inextricable dilemma—without a canal, and bound to refund, after all the trouble and expense, incurred, to the United States, and to pay damages to the purchaser. In this picture there is reason for alarm.

If this Legislature shall ratify the treaty which has been concluded between the two States, and if my information is correct with respect to some of its provisions, the inducement must be much increased, to make the most out of the grant of land which it is susceptible of producing by selling on a long credit, by the great length of time which is to transpire before funds will be in demand. For, from information on which reliance may be placed, it appears that the State of Ohio is not *bound* to complete the Ohio section in less time than fifteen years from the first of January next. Before that time shall expire, the approved plan of sales, may be made to accumulate from the interest alone, without interrupting the principal stock, an amount, to cover a great portion of the estimated cost of the Indiana part. But if the treaty requires the State of Indiana to cede all the lands which she holds in Ohio, for canal purposes, to that State, in some short time hence, by which Ohio will be enabled to sell them and use the proceeds for many years, without paying interest and without being then at last bound, *absolutely and unconditionally*, to perform the work, but left at her option, either to do so, or pay back the money which the land shall have sold for;—it will become matter of serious re-

flection for this body, whether the treaty is such as will meet the views and interests of Indiana. The land to be ceded to the state of Ohio, at two dollars and fifty cents an acre, will be worth about four hundred thousand dollars. If, in the course of the next fifteen years the state of Ohio should become convinced that the Wabash and Erie canal, would withdraw from her other canals a portion of western commerce, and have a tendency to diminish their profits, or be in any respect injurious, she will have but to adopt the alternative afforded her, of refusing to operate on the Ohio section, and refund to the state of Indiana, the money for which the land might sell, which must be paid in such an event, by the latter state, to the United States. In what better situation then, does such a treaty place Indiana, than before it was made? How will be affected by it the interest of Ohio? She may obtain the use of several hundred thousand dollars, for the term allowed her to cut her part of the canal. Not having seen the treaty, I cannot speak with certainty; and am at a loss for information as to when it looks to the *commencement* of the work by Ohio; but it is presumed, that the act of Congress requiring a beginning in five years, has not been overlooked.

Lest some remarks in this address, on the subject of the Canal, and recommending on certain terms, a sale of the canal lands, may be understood to be offered to induce the acceptance of the Treaty, it is proper for me to add, that they are intended, *only* to be considered, upon the happening of that contingency. If, with such provisions of doubtful policy, the treaty should be ratified, the question of *ways* and *means*, will then be fairly before you. But pressed as we are by necessity, for this important link in the chain of national improvement, which promises also to be so useful a channel for the commerce of the country, my own assent to postpone without certainty in the end, for fifteen years, the long looked for benefits expected from it, would (*without further effort* to do better) be given with melancholy reluctance. Nor could any of us, without poignant regret, see this valuable grant revert back to the United States. Rather than think seriously of such a result, your foresight, your prudence, your desire for the honor of the state, would prompt you to memorialize Congress again, to authorize the state to change the proposed canal into a *Rail Way*, or even a turnpike road on the canal location. There could remain little doubt but that, in this way, the grant might be preserved. It is the immediate expense of a canal and the idea of competition that alarms Ohio. A single railway would cost only but a little more than half of what is the estimate of a canal, as they might be constructed in

Indiana with durable timber mostly. I have seen some estimates as low as \$6200 per mile.

Whatever may be the fate of the Wabash and Erie canal, I take pleasure in assuring you, that no part of the failure to enlist Ohio in it, within a less period than is stated, is ascribable to Major Sullivan, our commissioner, whose talents and zeal to obtain a better compact for the state have been conspicuously exerted on the occasion.

WABASH AND WHITE RIVER OBSTRUCTIONS.

To enable the State to remove the obstructions in these valuable rivers, the friends of the Wabash and Erie Canal, and of Steam-boat navigation on the Wabash and White Rivers, would doubtless gratify a majority of the people in the state of Indiana, by uniting in a memorial to congress, for a grant of the public lands adequate to the accomplishment of the object. The removal of the falls in the Wabash and the improvement of the White Rivers by means of the public domain, may be sustained by the same reasoning, which led to the grant to open the canal. For the one is indispensable to the other. If the state goes on with her canal, she must improve the rapids in the Wabash, or cut a canal around them for the passage of all kinds of boats. No doubt is entertained but that steam boats may traverse the White rivers if they are well improved, through hundreds of miles of our territory; and that the seat of government, will ere long be visited by these messengers of Fulton's immortal genius.

NEW MILITIA SYSTEM.

Whatever is novel and is intended to supplant established usages, however confirmed by prejudice or replete with hoary error, has in a majority of cases, subjected the innovator to unenvied notoriety. As to the modifications which will be submitted under this head, it is not intended to claim any indulgence for their author for not being aware of the fate that awaits him. A conscientious conviction that it is my duty, uninduced by any latent consideration, to advise such a partial revision of the Militia Laws of this state, as is called for by the advanced progress of the principle of toleration, and by the intelligence and tactics of the illustrious age we live in, will not, even by counting the chances of its success, permit me to be silent. Experience, which is the test of all human organic laws and regulations, offers her objections to the impolicy and inutility of repeating so frequently and unsuccessfully, attempt upon attempt, to instruct the great mass of the people in the art of war. The chivalric reputation of our brave countrymen and the military science have both been lowered in this respect, by unremitting

efforts to perform impossibilities. Our existing militia laws, commit violence upon the rights of conscience, as well as impose penalties on poverty, by exacting equipments and services which many of the people are not able to perform. Instead of this, whilst aiming at efficiency of organization, the nobler purpose should be to adapt it to imperious circumstances, and to produce a reconciliation to it, amongst *all* the people—amongst all denominations and opinions. This must be done, if general submission and obedience to the laws, are to be expected. It should be a first concern with the statesman, to lop off from the institutions of his country, every obnoxious feature, in any degree tending to beget the opposition of the citizen or that is regarded with indifference, or calculated to diminish his veneration and affection for the policy of the land in which he lives.

It is proposed, in times of peace, to comprise the militia into two classes, to be called the *active* and the *sedentary*. Let the Militia of the state remain enrolled and organized as they now are, with all the officers, to be called the *sedentary*. Require *them* to meet once a year at the time of the regimental muster, without equipments, except officers, for the purpose of reporting their strength; and to hold themselves in readiness for hostile emergencies, most of whom being infantry. Require their officers to assemble and drill frequently. Extract from the present *sedentary* militia, by voluntary enlistment, about ten thousand men, which would be about every fourth or fifth man in the state, to be called the *voluntary* militia. This corps is intended to be well disciplined and should be required to appear frequently in service. From each regiment of about eight hundred men, raise four companies of volunteers—an artillery and cavalry of about fifty men each; and an infantry company of one hundred men, and a rifle company of about the same. Allow them to elect their own officers independent of the *sedentary*; and besides their company musters and attendance at the regimental parade, provide for exercises in the school of the battalion. Require that the public arms shall be exclusively distributed to the *voluntary* militia, to stimulate them to duty. If the required number, should not volunteer in each regiment resort to draft; if too many turn out, determine by *lot* who shall be taken of those who can be relied upon. Let the *voluntary* corps report their strength, as in other cases. Besides giving the United States arms to the *voluntary* corps, exempt officers and soldiers from working on roads, serving on juries and from a poll tax. On the other hand require the *sedentary* militia to work as many days on the public highways in their proper districts, as the *active* militia are required to perform mili-

ary service, in addition to what is now called for by law from each citizen. Those who are conscientious against bearing arms will, as a matter of course be ranked with the sedentary militia, and their strength may be reported in the manner provided by the present law, without requiring them to appear in public to report it. The above presents the skeleton of a plan, which, with its appropriate details, would bring into existence a bulwark of defence against hostile incursion, combining the double advantages and safety of the "*citizen soldier*" with the "*scientific disciplinarian*."

The warmest and bravest blood and flower of the state, would be splendidly displayed in the voluntary rank, which added to their skill in tactics, must constitute an intrepid phalanx of irresistible soldiery. Our portion of the two hundred thousand dollars, annually expended by the United States, for arming and equipping the militia, will on this plan at no very remote period, supply this part of the militia with arms, if they are carefully preserved; but to ever supply the *whole* is as hopeless as it would be a waste of treasure. Such a system as this, will also bring to pass, the pleasing consequence of setting at ease the consciences of a very exemplary, peaceable, industrious and moral denomination of people in the state called "*FRIENDS*," who are honestly opposed to war preparation. It is believed that this is the only mode by which they can be constitutionally relieved; and it is recommended more for its own excellence than to secure any special privilege at the public expense. Nor can this arrangement lose any of its attractions in consequence of the hundred thousand days labour it would authorise you to apply on the public roads, essential in an improved state, to the public good, in *war or peace*. Now should you approve of these suggestions, it will then be worthy of consideration, whether you will carry them into effect by a state law, or recommend them to the favourable notice of the general government, whose right it is to legislate on this subject, concurrently with the state.

Independent battalions are called for, as a necessary and just accommodation to the people of new counties and detached settlements.

AGRICULTURE MECHANICS AND THE ARTS.

The farmer's interest should be made a matter of special enquiry. He who gives support to every other occupation and profession, commercial or mechanical,—he whose drudgery in its culture, provides the materials which shield our infirm bodies from the inclemencies of the seasons—he who nourishes the soldier while he perils in the battles of his country—he whose incorrup-

able fidelity in times of severest trial, is proof against the most seductive temptations, deserves alike your countenance and efficient aid. Besides exempting from tax, lands cultivated in hemp, tobacco and other neglected productions of profit, an adequate appropriation for premiums to be distributed as prizes for the best specimens of whatever you consider most useful in any of the arts, sciences and professions, will be found in experiment, most encouraging to our various branches of industry, and stimulating to the slumbering capability of every department of genius or labor. If the encouragement here contemplated, should make any considerable impression upon the common chest, the deficit may be replenished by the imposition of a duty or tax upon all spiritous liquors which may be found in the State for *consumption*. By this plan of creating a fund the two fold object will be accomplished of encouraging the cause of temperance in the use of ardent spirits and exciting a commendable spirit of emulation and a zealous competition in laudible and useful pursuits, among the sons and daughters of Indiana. If in connection with this object, the manufacture of the article of whiskey for *export* could be encouraged, and its excessive consumption at home discountenanced by some satisfactory mode of restriction, the wealth of the country would be increased and the moral condition of our society greatly improved and meliorated. A small amount also exacted from *professional gentlemen*, whose occupations are more useful to themselves than to the public, as a bounty fund, would tend not a little to induce into the field of enterprise, many a fair female competitor for skillful and industrious fame in the manufacture of good substantial fabrics for clothing. Much has been effected in other States, by commendable and generous efforts, and by means of agricultural and other societies, striving to raise the yeomanry, the artists, and mechanics of the country, to an equality with the first rank of honorable professions—their most unquestionable right,—and something may be done by you, to insure to merit *here*, whether at the plough or in the workshop, at the needle, spindle, or the loom, its own high reward.

COLONIZATION.

The colonization of free blacks, dispersed through our country in the native land of their fathers, is passing the ordeal of philanthropic reflection, and gradually rising to public view, under the patronage of the American Colonization Society. No period in the annals of our history, would be hailed with more universal acclamation, than that one, which shall accomplish the return of these long degraded and unhappy members of the human family, to the country in which their God had placed them; from which they have been oppressively torn by the hand of tyranny, to gratify the most sacriligious cupidity. We long to celebrate the jubilee of freedom—of general and unconditional emancipation, of every soul held in bondage, because his skin is dark. We look forward, with fervent hope, to the important era, when we shall see them wending their way across the Atlantic, bearing with them the religion of the cross, and the eternal principles of liberty and equality, to a country where they may organize a government of

their choice, and take their sable stand among the nations of the earth. But this is not the work of a day. And if in attempting to identify the colonization and emancipation of our coloured population with the politics of the country, as a popular hobby, before the public mind and resources are prepared to yield to the good work, their effectual sanction, we shall touch the *sensitive chord* with too bold a hand, so as to endanger our *magna charta*, the great cause in hand, and the union, and thus effect the overthrow of our own liberties, the premature zeal *affectede* on the subject must be long a fruitful source of perpetual lamentation. If there were no latent intention in the end, of levying a tax upon the free States, for the purchase of slaves, or in some other way, forcing a manumission—thereby strengthening the inducement and obstinacy of their holders to continue their bondage, until remuneration or compunction of conscience might reach them, they would have excited less jealousy. If, instead of this, the talent of the country were fairly enlisted to convince the people of the slave states, of what their own experience will ultimately show, that free labor is more profitable than slave labor, so as to produce a voluntary abandonment of the unnatural and unchristian practise, without looking to the treasury of the nation, and the consequent introduction before Congress, of a question more dangerous to the constitution than any enemy we have ever yet encountered, tending to incite the blacks to the perpetration of the most horrid insurrections and murders, *means* would have, ere this, flowed into the coffers of the society in greater profusion. With such modifications, distrust would give place to general support; and the next generation might be saved the mortifying spectacle, of beholding the manacled African writhing in his fetters, in the temple of human freedom. I lay before you, at the request of the Governors of Missouri, Georgia, and South Carolina, resolutions of those states, denying the right of the general government, by the constitution, to appropriate money for the use of the society.

COLOURED PEOPLE IN INDIANA.

Duty to the State of Indiana, requires me to remark, that the scourge of the oppressed is not confined, as it should be, exclusively to the land of the oppressor. But, that this State, in common with her other free sisters, is not exempt from the lash of our crying national sin. A now-productive and in many instances, a super-annuated population, is pouring in upon us, possessing all the affirmative bad qualities of the uneducated, immoralised bondman, without affording any of his advantages, living without visible means, or labor—most of whom are paupers on society. This, being the consequence of expulsion laws of other States, less humane than ours, renders corresponding measures on our part necessary and inevitable. Whilst our laws and institutions proclaim the State an asylum for the good, virtuous, and useful of all nations and colors, it is due to ourselves and to the rights of posterity, that we should not

tamely submit to any imposition, which is the direct effect of foreign legislation. Though it might savour somewhat of injustice to interfere with any that are already here, it will still become your province as it is your right, to regulate for the future, by prompt correctives, the emigration into the State, and the continuance of *known paupers*, thrown upon us from any quarter. Such, if they cannot afford, by sureties, indemnity to our citizens in a reasonable time, should be thrown back into the State or country from whence they came. To effect this, it may be proper to require them, on entering the State, to file a proclamation of particulars with evidence. No terms, however, should be demanded which could not, in the nature of things be complied with. For to those of them who will fill up the measure of duties of good citizens, the hand of fellowship should be offered; and to such a proper and necessary portion of the citizens' privileges should be extended, that they may have some inducements to the performance of virtuous deeds. But shorn as they now are, of every incentive of the kind, they can do but little more than agonize in silent despair.

INDIANS.

Two tribes of these aboriginal people are still lingering within our borders. Their growing indolence, their alarming intemperate habits, their primitive simplicity of manners, their increasing dependence upon their social neighbors for the bread of life, their diminished prospects of living by the chase, their perpetration of murders and other outrages of dangerous precedent, their frequent collisions with our people, their unrestrained exhibitions of their own savage customs before our citizens and citizens' children, the impositions which for the lack of knowledge, they are ever suffering from their more artful brothers, and their destitution of any moral code whatever, are all weighty considerations that combine in summoning them before you *as children to be governed*. A trial for half a century, to better their condition as independent nations, or tribes, has only served to increase their future wretchedness. They have, by some unaccountable fatality, acquired all of the vices of the whites, with but few of their virtues. Besides, the absurdity of one independent power residing in another, both the *happiness* of the natives and the policy and interests of the government, call emphatically for a change of relation between the parties. It is time that Agency domination was yielding up its absolute sway, to the mild and salutary laws of free, enlightened and religious freemen. The hearts of the Indians themselves, would team with thanksgiving, after realizing their advantages, for the preserving influences of organic law. If upon the first shock, they should receive, by the exten-

sion of the laws of the State over them, their timidity should not overcome them, so as to incline them to sell and move beyond the Mississippi, a cheering hope may yet be indulged, that their infantile offspring may be reared, to understand, venerate and enjoy, the blessings of the social system. The act of enforcing our State laws upon the Indians, must be accompanied with great prudence and forbearance on the part of the executive officers. Between the extension of our laws and their liability to them, sufficient time should be given to enable them to understand the new rule of their conduct. Special modes of promulgating the laws, must of necessity be resorted to. A school for *legal* and other instruction ought to be instituted. Whether these people stay within the State or go to the country allotted to them, after they are brought to an equality with the citizen, and subjected to his burdens and counted in the federal census, their landed possessions must soon form an item in the revenue of the State. If they remove, they will sell to the United States; and if they submit, it is the opinion of the President, that their national property must be carved up into individual rights.

It gives me much pleasure to inform you, that in submitting the above proposition, I am fortified by the opinion of the President of the United States, and by late legislative enactments, of most of the States that feel an interest in the matter, and have Indians within their limits. The success of the measure must be of signal service to all such States. In the prosecution of our canal, the execution of the policy must produce the most pleasing results. There is nothing in the federal constitution, or in the laws of Congress, to forbid this exercise of power.

SPECIAL COURTS.

The many imprisonments in jails for so long a vacation as that which elapses between the semi-yearly terms, at heavy county expense, will appeal to you for a remedy. A power vested somewhere, to convene a court by proclamation, to try special cases, under the existing judicial regulation, is demanded by economy.

PROBATE JUDGE.

It will be seen from examination, that the probate law of the last session, needs some revision, and particularly an amendment which will provide for filling the vacancy of the office of probate judge when it may occur.

CONTEST OF ELECTIONS.

A less ambiguous law than the one in force, has been found to be necessary, providing for the trial of contested elections, and for certifying their decision to the executive. The duties of the county officers and of the clerk particular, in such cases, should be more carefully pointed out.

CHIEF MAGISTRATE.

Since the adjournment of the last Legislature, one distinguished

American citizen has retired from the Presidential chair, and another has occupied it. The most sincere regret only can be felt, that the change did not carry along with it, more indications of submission and resignation on the part of the minority, to the mighty work, wrought by the people themselves. A respectful regard for the will and opinions of the majority should have hushed the murmurings of discontent, and displayed a magnanimity as noble as the defeat. The same high sense of patriotic devotion to country, which led the friends of the late chief magistrate, to give to his prosperous administration, a generous, honest and liberal support, because he was the constitutional and legitimate President of the nation, and because his leading measures were based in the public interest, should, with *increased* propriety, incline the *same persons* to sustain the ably and judiciously conducted administration of the excellent man who now guides the helm of State; because he super-adds many reasons offered for giving a support to his predecessor, an irresistible claim to respect and obedience, the omnipotence of public sentiment and publicly expressed popular predilection. If these causes will not, in the public estimation, justify the support of the righteous acts of the present authorities, *then*, we have *already* nothing but a republic shorn of its cardinal principles; a factious minority endeavoring to *rule*—too aristocratic and stubborn to submit to the majority, and trampling their will, as it were under their unhallowed feet. What besides consistency of conduct in this respect—*standing erect and unchanged upon an unchangeable set of principles*,—will be more efficacious in restoring a distracted country to its departed tranquility? Nothing less than an abandonment of *men*, and an adherence to *measures strictly*, will unite the divided affections of brothers—throw the son into the embrace of his father—and solder the recent enmities of old friends, never excited till the witchery of party and the cry of proscription rent them asunder. Nothing else will place aspirants to public office upon their *moral* character and unalloyed merit. If the broad axiom, allowed to be correct by all, that this is a government of laws and measures and not of men, and that the greatest indifference should be felt as to who the agent is, so that he has merits, be as tenable as popular, it is difficult indeed, to perceive upon what grounds the supporters of the present administration who were supporters of the past one, can be justly made the objects of censure. The will of the people should be the supreme law.

PRESIDENTIAL ELECTION.

At the instance of the Governors of the States of Louisiana and Missouri, I lay before you, resolutions of the Legislatures of those States, proposing a change in the Constitution of the United States, relative to the election of President and Vice-President of the same. The history of the eventful struggle which has just terminated—the irritated feelings engendered by a late election by Congress, threatening to rend the Union in twain,—an anxious care for the harmony of the States, and a community of attachment for the purity of elections, constrain us to look to the PEOPLE, as the only safe depository of the stupendous power and privilege of making the President and Vice

President. These resolutions with admirable foresight, contemplate the election of those high officers for the term of six years, and rendering them ineligible afterwards. That the patronage of the President may, in no case, be made to influence State elections; and that the head of the nation may suffer less in character, in the eyes of the world, from the licentiousness of the press, by removing the motive to scandal and misrepresentations—the President should never be allowed to be a candidate for the Presidency. The mode of election ought to be uniform throughout all of the States, by general ticket. The intervention of electors may be dispensed with. The due weight of the States, respectively, should be reserved, as is now guaranteed to them by the constitution. It would be best not to submit the decision in any case whatever, to Congress, for let them act ever so pure, suspicion will assail them.

TARIFF.

Relative to the tariff of 1828, it will become my duty to lay before you, reports, preambles and resolutions of the States of Virginia, Georgia and South Carolina. These States are protesting against the present tariff, with a gravity and an earnestness, that entitle the documents which they have placed in our hands, to an attentive perusal, and their contents to the most respectful consideration. At the approaching session of Congress, a revision of the tariff is expected. It is conceded that the present tariff gave satisfaction, neither to its friends nor its enemies. Hence, the probability of it again being made this winter, the subject of animated debate. Interested as we are, in having a high duty imposed upon every article imported into the country, which the genius, industry and ability of our citizens can manufacture or extract from the bowels of the earth, by labour, or that the soil will produce, the present opportunity of expressing your sentiments to your Congressmen, will doubtless be seized upon with an ardor becoming the special occasion. It is the least of my fears, that any opinion you shall express, will look to the aggrandizement of *any one section* of the confederacy at the expense of another. The three great contending interests of Agriculture, Commerce, and Manufactures, should meet each other on the open field of compromise, and there sacrifice sectional prejudices and jealousies, on the altar of the Divine commandment, “do unto others as you would that they should do unto you,” and so settle down upon a new American System which shall do equal justice to all. Let “Greek meet Greek” with the above authority added to the modern axiom, “*we cannot buy unless we can sell*,” and the *hydra* which threatens a dismemberment of the greatest monument of genius and patriotism, of the last half century, must sicken and die under the stroke of its influence.

NATIONAL INTERNAL IMPROVEMENT.

You will also be presented with resolutions of the States of Virginia, Georgia and South Carolina, denouncing internal improvements by the General Government, as an infraction of the Federal Constitution. Too many successive heavy majorities of Congress, have sustained their right to improve the interior of the country as well as the Atlan-

tic coast—there is too much justice in distributing equal proportions of the common treasure, to all parts of the country, and the constitution is too explicit in more than one of its provisions delegating expressly the authority to *act*, for any serious effort to be successfully made at this day, to check the progress of a system, bearing in its train, blessings co-extensive with our national boundaries. But though we may consider ourselves secure, in the continued exercise of this power—of so much consequence in the prosecution of works of public and private utility, and for the purposes of defence and commerce:—yet a vigilance commensurate with the great interests at stake, may lead you prudently to make a renewed expression of your approbation of the principle. The preservation of the treasury in nearly its present flourishing state, and the maintenance of this power in the United States, as far as the Constitution, in its limited specifications will permit, constitute our hope for prosecuting many of these mediums of intercourse, which have been marked out in the States as such valuable auxiliaries to our prosperity. If the treasury shall be considerably impaired by a *revenue* tariff only, instead of a tariff for *protection*, the improvement of the interior, by the loss of its very soul and aliment, must suffer a tremendous check.

DOMAIN.

The wishes of this state on the propriety of a cession from congress of the unappropriated lands within the state, have been solemnly expressed and forwarded to the proper authorities. Nothing has yet been effected; and perhaps nothing will be, until the national debt is discharged. When that event transpires, a principal cause for not yielding the lands to the states, will have been removed. It is not so very clear, whether even a general cession to the states, would be preferable to a sale and an equitable distribution of the proceeds among the states where the lands lie, or if grants could be obtained, from time to time, to aid them in building up seminaries of learning, endowing colleges, improving the navigation of rivers, and for making roads, canals and railways. Applications to Congress for portions of the public lands as we want them for special purposes, may be supported by all of the reasons which could apply to a request for a general cession on a demand of *right*, and would be made with equal modesty and consequent prospects of success; without raising the vexatious question of title. However much we may think we are entitled to the lands in question, however anxious we may be to get them and however strong our claim; yet, it must be evident to all, that it must be prosecuted under the most discouraging circumstances, whilst our delegation in Congress do not *all* act in concert with us, refusing to obey the instructions of the Legislature on the subject, and virtually declaring independence of the same.

HOSPITAL IN TENNESSEE.

I have it also in charge to lay before you, a resolution of the state of Tennessee inviting a co-operation of all the states, west of the Alleghany mountains, in the erection of a hospital at Memphis in said state. As many of our citizens may become objects of its charity, it is but

reasonable that we should divide the burden of the institution, if the location should be approved of by you.

HOSPITAL IN KENTUCKY.

I shall lay before you another resolution with a report, asking aid to sustain a hospital at Smithfield in Kentucky, erected by that state. This state could have no objection to a power given by Congress to Kentucky, to collect a toll or tax on the commerce of the Ohio river, when the same should land at Smithfield, if her finances should not be in a condition to assist otherwise.

SCHOOL SECTIONS.

It will be perceived that a committee of the last Congress, reported in favour of authorising a relinquishment to the United States, of the school section sixteen, in any congressional township, when of a limited value, and the selection of any other lands within the district for the use of the inhabitants of such townships. Some of the state authorities, should be directed to select these lands for the townships which may deem it desirable to avail of the privilege, if a law should pass on this subject. This is of sufficient interest to call for a memorial from you on the subject, as there are many school sections in the state, of little or no value.

INDIANA COLLEGE.

It is supposed that this institution will commence its first session, with about fifty scholars, under the charge of the Rev. Mr. Wiley, its president. Additional sales of the college lands, are called for, to create a fund for the purchase of a library and the necessary apparatus for the professorships. The plan of sales recommended for the disposition of the canal and road grants of land, would, if applied, to those lands, create a handsome fund annually for the gradual increase of a library and other essential college appendages. If any abuses have existed in the institution, they should be promptly exposed; and if on the other hand, its professors have been unrighteously assailed, it will be your pleasing task, to forthwith announce their innocence that confidence in the college, may be more fully confirmed.

STATE CENSUS.

This Legislature will feel themselves bound to provide for taking the state census, required by the constitution to be taken every fifth year. The ordinary mode of taking the strength of the state may suffice; but, it is believed, that more accuracy would attend the discharge of the important duty, if your law required the appointment of an intelligent individual in *each* township in the state. By this simple process, we shall get our whole strength. And as the Marshal of the state, will take the census also next season, in order to determine our federal representation, this plan might be made to render him much assistance. It might serve to correct his own report, generally *under* the real number of his district. The present strength of the state is thought to be about three hundred and sixty thousand, and if the taking of the census, should be deferred until next fall, so as to avail of the ensuing season's increase natural, and by emigration, we shall confidently look for four hundred thousand souls to be numbered. When this shall be

contrasted with the one hundred and forty-seven thousand which was our number in 1820, it will shew an increase in ten years, scarcely to be credited. By the year 1840, Indiana will be ranked in the first class of states. The Empire is rolling westward and soon the tide will flow far beyond *us*, and so onward, until the check which the Pacific ocean shall give it, will throw back upon us a redundant population.

CIVIL CODE.

The task of preparing a civil code of laws for the state has been commenced, but owing to a press of private and official business, the labors of a single individual, have not yet been able to place the work in as great a state of forwardness as might be wished. Without an amanuensis, or assistant, it is believed that the code will be completed before the present executive retires from his office. With one, its progress might be greatly accelerated. The necessity for *some* additional system of laws will soon be felt. And a code, which shall furnish the community with law, to enable the people to transact their *ordinary affairs*, without the common expense, trouble or necessity of taking the lawyer's counsel, is one of the reforms loudly called for, in our civil polity. But a Legislature of *disinterested* members will be *essential* to success. This the people can give.

JURISDICTION.

The trial and acquittal of William Rothwell, in Perry county, in this state, at the late March term of the Circuit Court, on a charge of murder committed on the Ohio river, and the points raised and sustained in the case, must point out the necessity of a declaratory statute on the subject of the concurrent jurisdiction of the states through whose territory this river runs, for the more certain service of process and punishment of offences committed on its waters. It appears that an offender of the highest grade, has been discharged on the ground that this state, by any laws that are in force, has no jurisdiction over offences committed on the Ohio river. However clear it may appear upon examination of authority, that we may take a concurrent jurisdiction on this stream, with the adjoining state of Kentucky, our state law, defining county boundaries, by a vagueness of expression and the location of county lines, in some instances along the *meanders* of the river, together with the judicial decision, may, with propriety, render our right to take cognizance on it, sufficiently doubtful, to require further legislation. Your right to clothe the authorities of the state with this necessary jurisdiction, will appear in an unquestionable shape, by a reference to the last sentence in the fourth article of the Ordinance of Congress, of July 13, 1787, declaring all streams running into the Mississippi and St. Lawrence, common highways, &c., and *more so*, by the eleventh section of an Act of Virginia, erecting Kentucky into an independent state, 18th of December, 1789, by which a concurrent jurisdiction is expressly given to the states that possess the opposite shores of the Ohio river, 1st Vol. Stat. Ky. p. 19.—R. C. Ind. p. 29. To settle the question with respect to the Wabash, you will have to act upon more questionable authority. You will also discover that many counties in the state are bounded by other rivers,

which are also common highways, and without some special legislation, the clashing claims of counties to jurisdiction, may become the subject of litigation. What is required, is a law, making that *certain* which is *doubtful*

ASYLUMS, &c.

Among the duties which the Constitution expressly enjoins on the Legislature, is that of making provision for the poor, who may have legitimate claims on the aid and beneficence of society. For this purpose, the Constitution requires, that farms or asylums shall be provided for them, so that they may find employment and comfort, and "lose, by their usefulness, the degrading sense of dependence." It is for you to judge whether circumstances will permit, at present, the adoption of a measure of the kind. It is also incumbent on the Legislature to countenance and encourage the principles of humanity, industry, and morality." As the Constitution has proposed few specific modes in which this praiseworthy injunction is to be carried into effect, resolutions, recommending the general practice of the *private*, *public*, and *social* virtues, would not, perhaps, be inappropriate. The philanthropic exertions of the present day, seem not to have confined their career to the amelioration of the condition of our own society. A long list of societies have been formed, and are forming in our country, bearing some popular or fascinating appellative motto or inscription, all intended to make pecuniary drafts on the purse of the American citizen, to minister to the real or imaginary distresses of a foreign population; in many instances, to the callous neglect of our own. Such laudable efforts would be heightened in general esteem, if they aimed in the first instance, at the amelioration of the unhappy circumstances of the little army of objects of charity, in our own great family, before the misguided spirit of benevolence shall succeed in wafting our munificence and the fruits of our toil, across the seas, in search of a theatre of unthankful and unwelcome exertion. Let the philanthropist but look at home for opportunities to display his pious benevolence, and his eye will recognize many a friendless, moneyless, orphan child, whose soul only waits to be kindled into flame upon education's heavenly altar, that he may leave his rags and wretchedness behind him; and wielding the sword of the hero, or the pen of the statesman, by the force of moral precept in the pulpit, or of eloquence at the bar, or in the senate, rise to the noblest summit of fame, and become a pillar of support to his country—but without some aid, "is doom'd to die unseen." Much might be effected by the millions of dollars which must leave our country, never to return, in a crusade after foreign displays of liberality, towards spreading the lights of science, and the unctions of a well-aimed charity, to be appreciated, in all enduring time, throughout America, if applied in that way. There are thousands of patriotic, grey-haired fathers and matrons, (besides those who are pensioners for bleeding in the defence of the liberties we enjoy,) and their descendants, who assisted in rearing up and sustaining our beloved institutions, who are eating the bread of poverty, and supping the cup

of ingratitude, whose claims to preference, before the Greek or the African, or any other nation that contribute nothing to our support, are solemn and commanding. Whilst our own unfortunate poor are sold to the lowest bidder in the public streets, many of whom have seen days that possessed them with the means and rank far above their purchasers, now compelled to feed upon the crumbs of a scanty meal, and to experience, after a life well spent, just as their sun is setting, their worst days, and even the degradation of mastery, and the separation of kindred ties—and whilst thousands of families are without the word of truth—and tens of thousands of youths who must soon take the reigns of this mighty republic into their hands, are fast rising to maturity, without sufficient intelligence for the stupendous business of self-government—we are admonished by every thing *sacred*, and *dear*, to look *first* to the deranged concerns of *home*. Whatever society, or association, or measure, is calculated to preserve the union of the states—to destroy sectional jealousies—preserve national tranquillity—maintain the public liberty and honor—and to encourage industry, economy, morality, religion, learning, humanity, temperance, and equality among the people—or whatever is purely intended to emancipate and colonize the slave voluntarily—to diffuse intelligence—to improve the country—educate the youth, and circulate the Bible,—if pursued from honest convictions of duty, and not from political and clerical considerations—are among the important means of promoting the prosperity, power, and happiness of the nation. But whatever may have an indirect tendency to aggrandize a *few* at the sacrifice of the many, or lead to a political or religious aristocracy—to the ascendancy of any one society or class of people over another,—or to sanction the designs, *misrepresentation*, or *dictation* of self-created bodies, never approved by the people, and unknown to the Constitution and laws of the country, subverting and, virtually, mending those instruments, by a *part*, which of right belong to a *whole*—should be compelled to take its rank next in dignity to the most daring, unhallowed treason. Before we approve of unauthorized cabals and institutions, got up for designing and splanetic purposes, let us profit by the advice of the Father of his country, “That all combinations and associations, under whatever plausible character, with a real design to **DIRECT, CONTROL, COUNTERACT**, or **AWE** the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, [the unity of government] and of fatal tendency.”

REAL ESTATE.

Justice to our own citizens, and public policy, are again beginning to urge their claims to a law which will place execution defendants in this state, upon an equality with those in the state where the contract was made, in relation to the disposal of the fee simple of real estate. If there is any thing that would justify a law, other than one prospective in its operation, it would be the hardships which some valuable citizens of Indiana are subject to, in being compelled to witness a sacrifice of their homes, without any thing like a just compensation therefor, whilst they may have claims suspended under the more pru-

ident valuation laws of other states, which would afford ample relief, if they could be obtained. Almost all well regulated governments, place some kind of valuable restriction upon the transfer of real estate by the operation of law, whilst some will not permit it at all. There would be strict justice, however, in enacting, that the remedies of the place where contracts are to be executed or are made, should govern in this respect.

GAMBLING.

The demoralizing and dishonest practice of gambling for any thing valuable, ought to be assailed, by more searching and efficient laws than any which are in force. There is no offence in our penal code, which is more frequently committed; and no violation of law which escapes with such general license and impunity. This class of offenders take shelter, in nearly all cases, under the principle of law which excuses one from being his own criminator. Though it might be unsafe to interrupt this settled dicta, yet, the gaming fraternity may be compelled, *each* to testify against his *fellow*, and in this manner arrive at justice. Considerable penalties, to be divided among common informers, may tend to bring much of this secret iniquity to light, so ruinous both to the aged and the young.

HABITUAL DRUNKENNESS.

The rights of matronal and infant innocence may be protected against the ravages of habitual intemperance, in most instances, by placing the estate of the husband or father, into the provisional possession of guardians; whilst the offender will be mortified and punished by the legal deprivation of using his substance at pleasure. And a forfeiture of privileges, until reformation reaches him, may, with every propriety, be attached to the *notorious habitual* drunkard, who has succeeded by a continued course of dissipation, in burying his moral sense of obligation, his intellect, and his further usefulness, in the bowl.

TITLES.

Other titles than those which are necessary to express the official character of office—such as *Excellency, Honorable, Esquire, &c.*, calculated to draw a contradistinguishing line of demarkation between the officer and citizen of equal worth, is thought to be a remaining badge of *foreign* distinction, which may be dispensed with, without any injury to the cause of simple republicanism. If a man confers *honor* on his *office*, *title* is a useless appendage;—if *it is necessary* to do *him* honor, it is worse than a burlesque.

STATE FINANCES.

On the first of December, 1829, the cash remaining in the Treasury, appears to have been \$7727.29, which is chargeable with the following items: Judiciary, \$1225;—Probate Judges, supposed, \$1000;—Circuit prosecutors, \$175;—Specific allowances, \$ 563;—Out-standing warrants, \$362 05;—Conscientious fines, \$542.52;—and Indianapolis fund, \$2726;—making in all, \$6593.57; which, deducted from the said balance, leaves in the Treasury a nett balance of \$1133.72 on said day. The above specified items constitute the

state debt. The assessments for the present year, except from the counties of Allen, Dubois, and Scott, amount to \$36997.30, which, added to the estimated assessments of said counties, of \$1003.70,—make, altogether, \$38000.00. Delinquencies, commission, milage, &c., will probably amount to \$6500,—which, deducted from the \$38000.00, will leave for the Treasury, \$31500.00, including the \$1041.33 of the same already paid.

To the above \$31500, add the balance in the Treasury on the first of December; and the means for the current year amount to \$32633. Though full settlements by all the collectors of this year's revenue, may not be made, the deficit will hardly exceed the collections from old delinquencies. When it is remembered, that a part of the items, of what is denominated debt, are payable at the pleasure of the state, it may be seen, that the available means for the service, can be enlarged. The ordinary expenses of the government this year, need not exceed those of the last,—say \$26000. Whilst it is due to collectors of the last year's revenue, to acknowledge the promptitude with which they have paid the revenue of that year into the Treasury, it is believed, that the assessments of this year, fall short of what ought to be reported to the treasury.

The present revenue law, with such amendments as will require all taxable lands in the state, to contribute to swell the Treasury, by doing away *assessments of land*, and making collectors act, in collecting land taxes, upon plots from land offices, considering the unusual emigration to the state this year, and the increase of sources of taxation—ought to return to the Treasury, next season, assessments, nearer to fifty than forty thousand dollars. The above is an exhibit of the Treasury on the first of December instant.

THREE PER CENT FUND.

The whole amount of the three per cent fund, which has been received by the different agents of this state, from the United States, is one hundred and five thousand, sixty-seven dollars, and forty-nine cents. The agent of state has also received from the agent of the State Treasury, (canal fund) \$2500. The amount appropriated since the \$100,000, in 1822, is \$5,500, all of which have been expended. If the Legislature shall appropriate any more of this money, until it shall further accumulate, the complexity which has grown out of former legislation upon the subject, and the difficulty attendant upon the distribution of the fund under it, will suggest the necessity of making an entire new arrangement, and division of the fund in future.

Upon the subjects which I have enumerated, and all others which your superior wisdom shall point out, I will cheerfully co-operate with you, by day or by night, to subserve the great and substantial welfare of our mutually beloved country, that we may, by joint exertion, call forth from the constituent, the thrilling plaudit, "WELL DONE."

JAMES B. RAY

Dec. 8, 1829.

The Senate then retired to their chamber.

And then, the house adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, DECEMBER 9, 1829.

The house met pursuant to adjournment.

Mr. Wallace of Franklin, presented a petition of George Kline and others, citizens of Franklin and Decatur counties, praying that a state road may be established, commencing at a point, named in said petition, on the Brookville state road, and running so as to intersect the state road leading from Lawrenceburg to Indianapolis, at a point named in said petition; which, being read, was referred to a select committee, of Messrs. Wallace of Franklin, Hendricks and Smith.

Mr. Herod presented a petition of Lydia Parker and others, praying the sale of real estate, for the benefit of the infant heirs of John Parker, deceased; which was read, and referred to the committee on the judiciary.

Mr. Kingsbury presented a petition of Christopher Smith and others, citizens of Washington county, praying that a law may be passed, authorizing the sale of the sixteenth section, in township 3, N. of Range 2. E. in said county, and that the inhabitants of said township be authorized to manage the concerns of the said sixteenth section, independently of the rest of the county; which was read, and referred to the committee on education.

Mr. Smith presented a petition of Frederick Beebe and others, citizens of Ripley county, praying that a commissioner may be appointed to review and relocate that part of the state road, leading from

Madison to Lawrenceburg, which is between the Jefferson county line and the Cross Plains, in Ripley county; which was read and referred to the committee on roads.

Mr. Wallace of Jefferson, presented a petition of Robert Kinnear and others, citizens of township No. 5, north of range No. 9, in the county of Jefferson, praying that a law may be passed, to authorize the electing of trustees in said township, who shall have the management of the school lands within said township; which was read and referred to the committee on education.

Mr. Johnston of Knox, presented the following resolution, viz:

Resolved, That the public printer be furnished by our clerk, with the address of his excellency, the governor, made to the two houses on yesterday; and that said printer print thirteen hundred copies thereof, for the use of the members and officers of this house.

Mr. Finley moved to amend said resolution, by striking out "thirteen hundred," and inserting, "one thousand."

A division of the question being called for by Mr. Hillis, the question was taken on striking out:

Which was decided in the negative.

Mr. Rariden moved further to amend said resolution, by striking out the words "*his excellency*."

Which motion was carried in the affirmative.

The said resolution as amended, was then adopted by the house.

Mr. Read presented the following resolution, viz:

Resolved, That the committee of ways and means be directed to report a bill, establishing an ad valorem system of taxation in this state.

Mr. Pennington moved to lay the said resolution on the table:

Which motion was carried in the affirmative.

On motion of Mr. Rariden,

The resolution presented by him on yesterday, on the subject of the sitting hours of this house, was taken up.

Mr. Rariden then withdrew said resolution.

On motion of Mr. Hall,

Resolved, That the judiciary committee be instructed to enquire into the expediency of providing, by law, a mode of ascertaining the value of improvements under the occupying claimant law.

On motion of Mr. Johnston of Knox,

The credentials of the members of this house, together with the petition of Ezekiel D. Logan, contesting the election of Charles B. Naylor, were referred to the committee on elections.

On motion of Mr. Little,

Resolved, That a committee be appointed to enquire whether the public printer discharged his duty agreeably to contract, in printing the laws and journals of the last session of the general assembly of this state; and whether the secretary, auditor and treasurer discharged their duty in contracting with some person to distribute the same in the several counties; and whether the person so employed discharged his duty in distributing said laws and journals agreeable to contract, and make report to this house.

Messrs. Little, Kingsbury and Rariden were appointed said committee.

On motion of Mr. Beard,

Resolved, That the judiciary committee be instructed to enquire into the expediency of changing the times of holding probate courts, so that they may not interfere with the courts doing county business.

On motion of Mr. Hoover,

Resolved, That a select committee be appointed to ascertain and report to this house, the unfinished business, if any, of the House of last session.

When Messrs. Hoover, Smith and Pollock, were appointed said committee.

Mr. Johnston of Knox, after obtaining leave, presented a bill allowing and regulating the writ of certiorari; which was read the first time, and passed to a second reading to-morrow.

Mr. Kingsbury, after obtaining leave, presented a bill authorizing an asylum for the poor in the county of Washington, which was read the first time and passed to a second reading to-morrow.

The Speaker laid before the House, certain documents on the subject of the contested election of Charles B. Naylor, which were read and referred to the committee on elections.

The Speaker laid before the House the following communications from the Secretary of State.

SECRETARY'S OFFICE, }
December 8, 1829. }

HON. ROSS SMILEY,

Speaker of the House of Representatives,

SIR: I beg leave to inform the House of Representatives, through you, that 126 copies of the Acts of the 2d session of the 20th Congress of the United States, have been received at this department, for the purpose of being deposited in such fixed and convenient place in each county or other subordinate civil division of the state, as the executive or Legislature shall deem most conducive to the general information of the people. "Three copies of Gordon's Digest of the Laws of the United States and three sets of the documents of the 1st session of the 20th. Congress," for the use of the Executive and branches of the Legislature," have also been received.

Very Respectfully,

Your ob't. serv't.

JAMES MORRISON.

SECRETARY'S OFFICE,
December 8, 1829.

HON. ROSS SMILEY,

Speaker of the House of Representatives,

SIR: Messrs. James & Alexander Hamilton have contracted to furnish fire-wood, cut and split, for the use of the present General Assembly, at the rate of 85 cents per diem.

I am sir,

Your's respectfully,

JAMES MORRISON.

Which were read and referred, the first to committee on the Judiciary, and the second to the committee of Ways and Means.

The House then took up and proceeded to consider the orders of the day.

The bill to amend the several acts regulating officers fees, and the bill respecting free negroes and mulattoes, servants and slaves, severally read the second time, and referred to the committee on the Judiciary.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Hillis,

The message of the Governor, delivered to both Houses, on yesterday, was committed to a committee of the whole House and made the order of the day for Friday next.

Mr. Johnston of Knox, after obtaining leave presented a bill in aid of the "Act to organize Probate Courts, and defining the powers and duties of executors and administrators, approved, January 23d, 1929; which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Parks,

Resolved, That the committee on Roads be instructed to enquire into the expediency of allowing further time for viewing and locating a state road from Bono, by Bedford, to Terre-Haute, and of appropriating to that object a portion of the three per cent. fund.

On motion of Mr. Blake,

Resolved, That Edward A. Hannegan Enrolling Clerk of this House, be now called in, and sworn into office.

Mr. Hanegan was accordingly called in and sworn into office, by Caleb Scudder, Esq. one of the acting Justices of the Peace, within and for the county of Marion, and entered upon the discharge of his duties.

On motion of Mr. Hall,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of providing by law, that a party on applying and moving for a continuance, on account of the absence of a witness, whom he supposes to be material in his cause, shall file an affidavit in writing, under his hand, naming the supposed absent witness, mentioning the reason wherefore he has not provided him, or his deposition, and inserting the facts he expects the witness will testify, and the grounds of such expectation; to the end the court may judge whether due diligence has been used to procure him, and whether the facts expected to be testified can be legally admitted in evidence, or are material to the issue in question.

On motion of Mr. Long,

Resolved, that the committee on Military Affairs, be instructed to enquire into the expediency of revising the militia law.

And then the House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, DECEMBER 10, 1829.

The House met pursuant to adjournment.

Mr. Howk presented a petition of Joseph Bartholomew and others, citizens of Clark county, praying that authority by law may be given to the respective boards of justices, or boards doing county business in each county, to levy a tax, for the purpose of purchasing the necessary tools and implements to open and keep in repair public roads and highways:

Which was read and referred to the committee on roads.

Mr. Bassett presented a petition of Pinkney James and others, citizens of the town of Rising Sun, in the county of Dearborn, praying that the stockholders of the seminary in said town may be incorporated:

Which was read and referred to a select committee of Messrs. Basset, Wallace of F. and Armstrong.

Mr. Hall presented a petition of James Devon, collector of the revenue of Gibson county, for the year 1828, praying certain relief:

Which was read and referred to the committee on claims.

Mr. Ketcham presented a petition of Jesse Wright, sheriff of Monroe county, praying that further compensation be allowed him for reclaiming Nathan Baker, a fugitive from justice, which was read, and, together with the accompanying document, referred to the committee on claims.

Mr. Coffin presented a petition of George Lynch and others, citizens of Orange county, praying that measures may be taken to prevent the migration of free people of color to this state:

Which was read and referred to the committee on the judiciary.

Mr. Bence also presented a petition on the same subject, signed by four hundred citizens of Floyd county, which was read and referred to the same committee.

Mr. Slaughter presented a petition of David Young and others, and Elias H. Campton and others, citizens of Harrison county, praying that authority may be given to the people of said county, to elect their township officers, which was read and referred to a select committee of Messrs. Slaughter, Bell and Wallace of J.

Mr. Hoover presented a petition of John P. Yunkle and others, citizens of Wayne county, praying authority to view and locate a road from Richmond, in said county, to Logansport, in Cass county, by way of Washington and Munsey town, which was read and referred to the committee on roads.

Mr. Jackson of D. presented sundry petitions signed by citizens of Cass, Delaware and Wayne counties, on the same subject, which were read and referred to the same committee.

Mr. Pennington presented a petition of Heli Kendall, praying the passage of a law compelling the board of Justices of Perry county, to assess a tax on the inhabitants of said county, to raise a fund sufficient to pay off a judgment which he has against said county, for erecting the public buildings, which was read and referred to the committee on claims.

Mr. Evans presented a petition of Samuel Hinman of Warrick county, praying that certain compensation may be allowed him as road commissioner, which was read and referred to a select committee of Messrs. Evans, Hall and Levenworth.

Mr. Stewart presented a petition of sundry citizens of Dubois county, praying that certain relief may be granted the securities of Samuel Postlewait, late collector of the county of Dubois which was read and referred to the committee on claims.

Mr. Parks presented a petition of sundry citizens of Lawrence county, praying a review of that part of the road, heretofore authorized to be opened from Levenworth, by way of Bono, to Indianapolis, which lies between David Beebe's and Leesville, which was read, and referred to the committee on roads.

Mr. Beard presented a petition of the board of commissioners of Montgomery county, praying certain amendments in the road law, which was read and referred to the committee on roads.

Mr. Hillis from the committee on elections to whom was referred the petition, and accompanying documents, of Ezekiel D. Logan, relative to the contested election of Charles B. Naylor, reported that in their opinion Ezekiel D. Logan is the representative elect from said county and not the said Charles B. Naylor; and that the said Ezekiel D. Logan is entitled to the seat in this House, as such representative; and recommend the adoption of the following resolution:

Resolved, That the said Ezekiel D. Logan is entitled to a seat in this House, as one of the representatives from the county of Washington, and not the said Charles B. Naylor.

Mr. Pennington moved that the House concur in the said report; and that the said resolution be adopted, which motion was carried in the affirmative.

Mr. Logan then came forward and was sworn into office, by the Hon. George Smith, one of the Associate Judges of the county of Marion, and took his seat.

Mr. Slaughter from the select committee to whom was referred the petition of D. S. Bonner, praying that certain compensation be allowed Claudius G. Brown, reported a bill for the relief of the said Claudius G. Brown, which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Wallace of F.,

Resolved, That the committee on Education be instructed to enquire into the expediency of reporting a bill to this House, providing for the just distribution of such school funds, as are now in the hands of the several treasurers of the respective school townships, among the inhabitants who are entitled to a division in the same.

On motion of Mr. Brown,

Resolved, That the public printer, be, and he is hereby authorized to print nine hundred copies of the Journals of this House for the use of the members thereof, to be distributed as may be directed by the General Assembly; and that the clerks furnish said printer with manuscript copies of said Journal daily as soon after being read as possible.

On motion of Mr. Boon,

Resolved, That the committee on Military Affairs, be, and they are hereby requested to enquire into the expediency of amending the militia law, so as to make it the duty of the first sergeants of companies to collect the fines assessed in their respective companies, except those against persons conscientiously scrupulous of bearing arms.

On motion of Mr. Morrison,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the laws defining the duties of constables, as to relieve the constable from the necessity of paying the amount of forfeited delivery bonds before it can be collected by legal process from the persons who may have executed said bonds.

Mr. Wallace of Jefferson, presented the following resolution. viz:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of providing by law for the payment of Sheriff's, when required to convey a person, charged with any penal offence, from one county to another, in this state, and for the

payment of persons called upon, or summoned, to assist in making arrest, or guarding a person while in charge of any civil officer of this state.

Mr. Evans moved to amend said resolution by adding at the end thereof the words "and for the payment of witnesses in criminal cases when taken from one county to another.

Which motion was carried in the affirmative.

The resolution as amended was then adopted.

On motion of Mr. Cruine,

Resolved, That the Judiciary committee be instructed to enquire into the propriety of allowing county commissioners, or boards doing county business, to vacate streets and alleys, or such parts of the same as they may consider useless, where such vacation will not effect the rights of individuals, with leave to report.

Mr. Evans after having obtained leave presented a bill for the relief of Zachariah Skelton, which was read the first time and passed to a second reading to-morrow.

The Speaker laid before the House, a communication from Joseph Warner of Daviess county, praying that compensation may be allowed him for certain services, heretofore rendered to the state, which was read and referred to committee on claims.

The House then proceeded to consider the orders of the day.

The bill allowing and regulating the writ of certiorari;

The bill in aid of the act to organize Probate Courts, and defining the powers and duties of executors and administrators, approved, January 23d, 1829, were severally read the second time and committed to a committee of the whole House, and made the order of the day for to-morrow.

The bill authorizing an asylum for the poor, in the county of Washington, was read the second time and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Little,

Ordered, That the name of Mr. Logan be placed in lieu of that of Mr. Naylor, where it occurs in the list of standing committees.

And then, the house adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, DECEMBER 11, 1829.

The house met pursuant to adjournment.

Mr. Hall presented a petition of Jesse Wells and others, citizens of the county of Gibson praying that authority may be given by law, to the inhabitants of the sixteenth section in each township, to elect their own trustees, for the management of said sections:

Which was read and referred to the committee on education.

Mr. Kingsbury presented a petition of Jonathan Lyon and others, citizens of Washington county, praying an investigation of certain alleged abuses in the mode of conducting the state college at Bloomington, by the officers and teachers thereof:

Which was read and referred to the committee on education.

Mr. Pennington presented a petition of Lawford White of Clark county, praying that authority by law may be given him, to convey certain real estate, the title of which is in his children:

Which was read and referred to the committee on the judiciary.

Mr. Rariden presented a petition of Jonathan Platts and others, citizens of Wayne county, praying that the militia law be so amended that there shall be a collector of fines appointed in each battalion, and that hereafter no musters shall be held on Saturdays:

Which was read and referred to the committee on military affairs.

Mr. Rariden presented a petition of Levi Smoker and others, citizens of Wayne and Union counties, and Sampson Stevens and others, citizens of Abbington, in the county of Fayette, praying a relocation of that part of the state road leading from the Ohio line in a direction towards Eaton, by the way of Abbington, Waterloo and Goodlander's Mill, to Connersville, that lies between Abbington and where said road intersects the line dividing Wayne and Fayette counties, and that the original county road leading from Abbington to Waterloo, as far as the line of Fayette county, may be established as a state road:

Which was read and referred to the committee on roads.

Mr. Rariden also presented a remonstrance of Levi Ridwell and others, citizens of Wayne county, and William Downing and others, against the prayer of said petitioners:

Which was read and referred to the same committee.

Mr. Slaughter presented a petition of Walter Pennington, of Harrison county, praying that further compensation be allowed him for building a bridge across Big Indian creek in said county:

Which was read and referred to the committee on roads.

Mr. Stewart presented a petition of Sarah McClure of Pike county, praying to be divorced from her husband, James McClure:

Which was read and referred to a select committee of Messrs. Stewart, Evans and Casey.

Mr. Kingsbury presented a petition of James Hamersly of Washington county, praying to be divorced from his wife, Elizabeth, late Elizabeth Johnston:

Which was read and referred to a select committee of Messrs. Kingsbury, Hawk and Morrison.

Mr. Casey presented a petition of the inhabi-

tants of Congressional township, No. 4. south, and 13 west, in the county of Posey, praying that the present laws on the subject of school lands be repealed, and that the inhabitants of each township be authorized to manage their own school funds:

Which was read and referred to the committee on education.

Mr. Wallace of Jefferson, presented a petition of Warner Ford and others, citizens of said county, praying that authority by law, may be given to lease a fraction of the reserved section, in township No. 4, range 9, for the purpose of erecting thereon, a house of public worship:

Which was read and referred to a select committee, of Messrs. Wallace of Jeff., Hillis and Pabody.

On motion of Mr. Bassett,

Mr. Pollock was added to the select committee, to whom was referred the petition of Pinkney James and others.

Mr. Rariden from the committee on the judiciary, to whom was referred the petition of Lydia Parker and others, praying the passage of a law authorizing the sale of certain real estate of the infant heirs of John Parker, deceased, reported that they have had the same under consideration, and are of opinion that the existing laws are sufficient to afford the relief asked by the petition; and they therefore deem legislation on this subject inexpedient:

Which report was concurred in by the house.

Mr. Pennington, from the committee on roads, to whom was referred the resolution of this house, instructing said committee to enquire into the expediency of allowing further time for viewing and locating a state road from Bono by Bedford to Terra Haute, and of appropriating to that object a portion of the three per cent. fund, reported, that they have had the same under consideration, and are of

opinion that it is inexpedient to legislate on that subject.

Which report, on motion of Mr. Blake, was laid on the table.

Mr. Pennington, from the same committee, to whom was referred the petition of Joseph Bartholomew and others, of Clark county, praying the passage of a law, empowering the board of justices to levy a tax to procure certain articles to work roads, &c., reported, that they have had the same under consideration, and are of opinion that the passage of such a law would not be advisable at this time.

Which report was concurred in by the house.

Mr. Rariden presented the following resolution, viz:

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a law regulating the descent of the real estate of Indians within the state of Indiana:

Which was read, and

Ordered to lie on the table.

On motion of Mr. Jackson of Scott,

Resolved, That the judiciary committee be instructed to enquire into the expediency of providing a uniform mode of doing county business, throughout the state, with leave to report by bill or otherwise.

On motion of Mr. Hendricks,

The resolution, instructing the committee on the judiciary to report a bill establishing an *ad valorem* system of taxation, was taken up; and,

On motion of Mr. Johnston of Knox,

The same was committed to a committee of the whole house; and made the order of the day for Monday next.

On motion of Mr. Kinnard,

Resolved, That a select committee be appointed to enquire into the expediency of authorizing the location of a state road, from Martinsville, in the

county of Morgan, by way of Lyon's mill and Mooresville, leading north in such direction as will intersect the Michigan road, at such point as the public interest may require; and that said committee have leave to report by bill or otherwise.

Ordered, That Messrs. Kinnard, Hussey and McNary be said committee.

On motion of Mr. Wallace of Jefferson,

Resolved, That a committee of three be appointed to enquire into the expediency of laying an additional tax upon sales at auction; which tax shall be regulated upon the *ad valorem* system, upon the amount of goods sold.

Ordered, That Messrs. Wallace of J., Hawk and Bassett be said committee.

On motion of Mr. McNary,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of repealing that part of the militia law imposing a fine on privates, subject to do militia duty, for not being legally equipped.

Mr. McNary presented the following resolution, viz:

Resolved, That the judiciary committee be instructed to report a bill reviving the former statute, which has been repealed, regulating the practice of physic and surgery in this state, with such amendments, if necessary, as shall encourage the regular study of medicine on the part of practitioners; and insure the public from the impositions of ignorant pretenders to the practice of medicine.

Mr. Long moved to amend said resolution, so as to require said committee to enquire into the expediency of reporting said bill:

Which motion was carried in the affirmative.

Mr. Johnston of Knox, moved further to amend said resolution, by striking out "the judiciary committee be instructed," and inserting, "a select committee be appointed:

Which motion was also carried in the affirmative.

Mr. Crume moved to lay said resolution on the table:

Which motion was decided in the negative.

The said resolution, as amended, was then adopted by the house.

Ordered, That Messrs. M'Nary, Dumont, Armstrong, Herod and Slaughter be said committee.

On motion of Mr. Hoover,

Resolved, That the committee on education be instructed to report an amendment to the act of the last session of the general assembly, relative to the sale of school sections, so as to place the sales and the funding of the money in the several townships where such school sections are yet unsold.

Mr. Gardner presented the following resolution, viz:

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill, providing for the taking of the next census; the taking of which shall not be commenced before the first of next October, and shall be finished by the middle of next November.

Mr. Morrison moved to lay said resolution on the table:

Which motion was carried in the affirmative.

Mr. Smith presented the following resolution, viz:

Resolved, That the military committee be instructed to revise the militia law of this state; and that this house will provide by law, for the printing, distribution, and delivery of a copy of such law, to every officer in this state, who by law may be entitled to the same.

The said resolution being read, and the question being put, "Shall the same be adopted?"

It was decided in the negative.

On motion of Mr. Levenworth,

Resolved, That the committee on education enquire into the expediency of making an equal dis-

tribution of the proceeds of all the sixteenth sections in the state, given for the purpose of promoting common schools among all the inhabitants, and the right of all to participate equally in that distribution; at the same time enquiring into the justice and right of requiring of the United States, in all cases, where the sixteenth sections are not valuable, a right to select other sections which are valuable, for that purpose.

On motion of Mr. Ketcham,

Resolved, That each and every person who shall present or introduce any petition, remonstrance, or bill, to this house, if said petition, &c. be referred to one of the standing committees, the introducer, shall be considered a member of that committee, to whom said petitions, &c. are referred, during the investigation of the subject matter thereof, and no longer; and that the chairman of said committee inform the introducer, of the time and place where to meet said committee.

On motion of Mr. Little,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending the sixth section of the revenue law, approved January 24th, 1827, as to lay a tax on all kinds of shows, to be exhibited in this state, and upon all pedlers of wooden clocks.

On motion of Mr. Hoover,

Mr. Jones was added to the committee on roads.

On motion of Mr. Armstrong,

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of so amending the law authorizing or organizing boards of county justices in this state, where the same has been organized, to allow each of the same, a sum per diem, not exceeding two dollars, for and during the time they shall be necessarily engaged at such term, not exceeding three days; with leave to report by bill or otherwise.

On motion of Mr. Logan,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the militia law, as to add one additional company muster in the month of September, in each year, with leave to report by bill or otherwise.

Mr. Herod presented the following resolution, viz:

Resolved, That the committee of ways and means, be instructed to enquire into the propriety of so amending the law regulating public ferries as to make it the duty of ferry keepers to cross all persons, who are liable to do military duty, in going to and from their proper musters, free of charge; and to entitle said ferry keepers to a reasonable compensation, to be paid out of the fund arising from fines assessed against conscientious persons, which was read, and

On motion of Mr. Hillis,

The same was laid on the table.

On motion of Mr. Hall,

Resolved, That the judiciary committee be instructed to enquire into the expediency of making it the duty of the judges of the supreme court of this state, to give an opinion, in writing, on every error assigned, growing out of the record in the case before them.

Mr. Read, after having obtained leave, presented a joint resolution relative to the western mail route, from Louisville, Kentucky, to St. Louis, in Missouri, which was read the first time and passed to a second reading to-morrow.

Mr. Finley, after having obtained leave, presented a joint resolution on the subject of colonizing the people of colour; which was read the first time and passed to a second reading to-morrow.

The speaker laid before the house, the following communication, and accompanying documents, from Jeremiah Sullivan, Esq.

INDIANAPOLIS, DEC. 10, 1829.

SIR:

In obedience to a joint resolution of the general assembly of the state of Indiana, entitled "A joint Resolution appointing a commissioner, to adjust the terms upon which the lands granted to this state, by the act of Congress of the 2d March, 1827, shall be conveyed to the state of Ohio," approved January 5, 1829, I transmit for the consideration of the Senate, a report of my proceedings in the negotiation with the state of Ohio, in relation to the Wabash and Miami Canal; and a copy of the compact made with that state.

I have the honor to be

Your very obt. servt.

JER. SULLIVAN.

HON. ROSS SMILEY,

Speaker of the House of Representatives.

COPY OF COMPACT WITH OHIO.

WYLLYS SILLIMAN, Commissioner on the part of the state of Ohio, and JEREMIAH SULLIVAN, Commissioner on the part of the state of Indiana, duly appointed and commissioned, as such, by their respective states, 'to treat of and adjust the terms upon which the right and interest of the state of Indiana, in the land within the state of Ohio, granted to the state of Indiana, by the act of Congress of the second of March, 1827, entitled "An Act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in opening a canal, to connect the waters of the Wabash river with those of Lake Erie," shall be conveyed and relinquished to the state of Ohio; to provide for, and secure to those citizens of the state of Indiana, who may hereafter be engaged in the transportation of merchandize on the Miami canal, the same terms that the citizens of Ohio may be allowed, and enjoy on the Wabash and Miami canal; to ascertain the time when the state of Ohio will construct the Miami canal; and to agree upon the manner and terms, upon which, the Wabash and Miami canal of Indiana, and the Miami canal of Ohio shall be connected;' having interchanged their full powers to act in the premises, do enter into the following agreement:

1. It is stipulated and agreed by and between the contracting parties, as aforesaid, for and in consideration of the acts, hereinafter stipulated, to be performed by the state of Indiana, that the state of Ohio will construct that part of said Wabash and Miami canal, that lies within her limits; and that the state of Ohio shall commence the construction of the same, within five years from the first day of January, 1830, and complete the same within fifteen years thereafter: Provided, that the state of Indiana shall have commenced that part of said canal, which will be within the limits of the state of Indiana, within the period limited by the act of Congress aforesaid, approved the 2d March, 1827.

2 It is also stipulated and agreed, in consideration as aforesaid, that the state of Ohio shall keep and preserve that part of said canal, within the limits of the state of Ohio, in such a state of repair, as always

to admit of the free and uninterrupted navigation of the same, and that the citizens of the state of Indiana shall be permitted to navigate the same with their boats, merchandize, and all other property, and shall be subject to the payment of no higher, or other tolls, duties or impositions, than are paid by, or imposed on the citizens of Ohio, navigating the principal canals of Ohio.

3. The state of Indiana, for and in consideration of the stipulations and agreements, as aforesaid, to be performed by the state of Ohio, doth agree, that she will, within one year, after this contract shall have been ratified by the legislatures of the respective states, convey and relinquish to the state of Ohio, all the right, title and interest granted to the state of Indiana, to the lands within the limits of the state of Ohio, by the before recited act of Congress of the 2nd March, 1827; but it is fully understood, and it is agreed by and between the contracting parties aforesaid, that if the state of Ohio should fail, after having ratified this contract, to complete that part of said canal which shall lie within the limits of said state as aforesaid, within the time stipulated in this contract, then the said lands, hereby agreed to be conveyed to the state of Ohio, shall revert to the state of Indiana; and the state of Ohio, shall release to the state of Indiana, all the right, title and interest, she shall have acquired therein, by virtue of this contract, or otherwise; and it is further agreed and stipulated by and between the contracting parties, as aforesaid, that if the state of Ohio shall have sold, or otherwise disposed of said lands, or any part of them, then in case of failure as aforesaid, the state of Ohio shall pay to the state of Indiana, the amount of monies for which said lands shall have been sold, and which shall, in no case, be less than one dollar and twenty-five cents per acre.

4. It is furthermore agreed and stipulated, by and between the parties aforesaid, that the state of Indiana shall complete that part of said canal, which shall be within the limits of said state, within fifteen years from the first day of January, 1830.

5. It is further stipulated and agreed, by and between the said contracting parties, that the said canal, when finished, shall be open to the navigation of the citizens of the other states of the Union, upon the same terms that the same is navigated by the citizens of Ohio and Indiana.

6. It is further agreed by the contracting parties as aforesaid, that so soon as this contract shall have been fully ratified, the legislatures of the respective states of Indiana and Ohio shall apply to the Congress of the United States, so to modify the said grant of land made to the state of Indiana by the act of Congress aforesaid, as to vest in the state of Ohio, the title to so much of said lands, as lies within the limits of said state, when the state of Ohio shall have completed, in good faith, that part of said canal, which shall be within the limits of said state, and which, when made, shall supercede the necessity of any deed of relinquishment, or other grant of said lands, from the state of Indiana to the state of Ohio.

7. It is further agreed by the contracting parties as aforesaid, that

this contract shall be perpetual between the said states, parties hereto, subject nevertheless, to such alterations and modifications, as may be mutually agreed upon by the legislatures of the said states.

8. It is further agreed that this compact shall be ratified or rejected by the legislatures of the respective states, parties hereto, prior to the first day of February, 1831.

In witness whereof we have hereunto set our hands at Cincinnati, in the state of Ohio, this third day of October, 1829.

(Signed,) W. SILLIMAN.
JER. SULLIVAN.

To the General Assembly of the State of Indiana.

The Commissioner appointed by the General Assembly of the state of Indiana, to adjust the terms upon which the lands granted to this state by the act of Congress, of the second of March 1827, shall be conveyed to the state of Ohio, did in obedience to the joint resolution of the General Assembly, approved January 5th, 1829, forthwith proceed to the seat of government of the state of Ohio, for the purpose of entering upon the negotiation entrusted to him. The legislature of Ohio, acknowledging the importance and necessity of the adjustment asked for by Indiana, did, after due deliberation, authorize and require the Governor of that state to appoint a Commissioner to treat with the undersigned; and to report his proceedings to the General Assembly of that state, for its approval or rejection.

Having been officially informed of the appointment of Wyllys Silliman, Esq. Commissioner on the part of the state of Ohio, I had the honor of meeting that gentleman, and of entering with him on the consideration of the following subjects, with which the undersigned is charged in the joint resolution above referred to.

1. The terms upon which the right and interest of the state of Indiana, the land within the state of Ohio, granted to the state of Indiana, by the act of Congress of the second of March 1827, shall be conveyed and relinquished to the state of Ohio.

2. What provisions should be made, securing to the citizens of the state of Indiana, who may be engaged in the transportation of merchandise on the Miami Canal, the same privileges, and the same terms that the citizens of Ohio may be allowed and enjoy, on the Wabash and Miami Canal.

3. The time when the state of Ohio will construct the Miami Canal, and

4. The manner and terms upon which the Wabash and Miami Canal of Indiana, and the Miami Canal of Ohio shall be connected.

After much deliberation we agreed upon a compact, the original of which is filed in the office of the secretary of state, and a copy of which is herewith transmitted for the consideration of the General Assembly.

The undersigned regrets that a contract more satisfactory in its provisions, and particularly with regard to the period within which the whole line of the Canal shall be completed, could not be made. On that

point the Ohio commissioner was unyielding. Believing that the state could accomplish the work in a much shorter time than fifteen years, I proposed to the Ohio Commissioner a period less distant, and urged its acceptance upon him, but finding that he was bound by instructions from which he did not feel at liberty to depart, and remembering that our proceedings would receive the deliberate consideration of the General Assembly, I submitted to that provision and signed the contract. It will be remembered that Ohio is now engaged, in works of vast extent, and although she is rich in resources, strong in numbers, and in every respect entirely competent to fulfil all her engagements, yet she is unwilling to embarrass herself with new undertakings or to project new works, until those in progress are completed. The works in which that state is now engaged will be completed it is believed in less than five years, after which it is hoped, she will keep pace with Indiana in the construction of the Wabash and Miami Canal. The fact that the trade and commerce of the northern and most fertile parts of Indiana, Illinois and other regions further west, would become tributary to Ohio, by the extension of the Wabash and Miami Canal through her limits, is a sufficient guarantee that Ohio will, at no distant day extend it to the Maumee Bay. It is well known in the state of Ohio, that the waters of the Wabash, can be connected by a Canal with the waters of Lake Erie, without entering upon the territory of Ohio.

We are therefore assured, not only from the magnanimity of her character, but by the wisdom and providence of her councils, that Ohio will complete the contemplated canal on the most direct route, to the Maumee Bay.

That Ohio would make a contract by which she could obtain the use of our lands for a few years, without intending in good faith to complete the Canal within her limits, in the time agreed on, is not to be supposed. The bare supposition, that she may do so, is dishonoring to that state. The grant of lands from the Congress of the United States to the state of Indiana, puts it in the power of Indiana to dispose of the lands in that grant, and use the proceeds for twenty years, and then pay to the government the value of the lands, without interest. The imputation that Indiana would act dishonorably and in bad faith, was not made on the floor of Congress, when the bill making that grant was under consideration. Such a supposition would have amounted to a charge of perfidy, and would have been indignantly repelled. Would the legislature of Indiana have accepted the grant made by the act of Congress of the 2d March 1827, if it had contained a provision, that in case of failure to complete the Canal within twenty years, the value of the land, with interest, should be paid to the United States? If she would not, we cannot suppose that any compact made with the state of Ohio, containing such a provision, would be ratified by that state.

The undersigned supposed, that all the advantages which the state of Indiana had acquired by the grant of the second March, 1827, would be cheerfully surrendered to the state of Ohio, so soon as she would undertake, in good faith to relieve Indiana of the labor and expense of extending the canal, and completing the work herself. Under this im-

pression he acted, the propriety of which, he submits to the general assembly.

In relation to the extension of the Miami canal, the manner and terms upon which the Wabash and Miami canal of Indiana, and the Miami canal of Ohio, shall be connected, and the privileges to be secured to the citizens of Indiana, navigating the Miami canal, the undersigned communicates, that on these subjects, or either of them, the Ohio commissioner was unwilling to treat. The extension of the Miami canal to the lake, is not yet authorized by the legislature of Ohio, nor is its practicability satisfactorily ascertained. It is obvious therefore, that all negotiation on these points, at this time, would be premature.

I have the honor to be,

With respect,

Yr. vy. obt. servt.

JER. SULLIVAN.

HON. ROSS SMILEY,

Speaker of the House of Representatives.
Indianapolis, Dec. 10, 1829.

Which were read and referred to the committee on canals and internal improvements.

On motion of Mr. Blake,

Ordered, That fifteen hundred copies thereof be printed for the use of the members of this house.

The speaker laid before the house the following communication from the Governor.

EXECUTIVE DEPARTMENT.}

INDIANAPOLIS, INDIANA, December 10, 1829.}

ROSS SMILEY,

Speaker of the House of Representatives,

SIR—I lay before you, for the use of the General Assembly of the state of Indiana, Mr. John Gardiner's invention of the Roller or Wheel Road.

Respectfully,

Your obedient servant,

J. BROWN RAY.

Which, together with the accompanying documents, was read and referred to the committee on roads.

The house then adjourned until 2 o'clock P. M.

2 o'clock. P. M.

The house met pursuant to adjournment.

The speaker laid before the house the following communication from Samuel Merrill, treasurer of state, together with its accompanying documents.

TREASURER'S OFFICE, }
December 10, 1829. }

SIR:

Herewith are transmitted to be laid before the House of Representatives, the following papers, viz:

- No. 1. Annual report of Treasurer.
2. Loan office Report.
3. List of borrowers of Seminary funds.
4. List of payments from Contingent fund.
5. Stationary purchased by Treasurer, for the use of the state.

I have the honor to be &c.

S. MERRILL.

HON. ROSS SMILEY.

(No. 1.)

TREASURY DEPARTMENT, }
December 10, 1829. }

The Treasurer in obedience to the directions of the "act concerning the Auditor of Public accounts and Treasurer of State, respectfully submits the following report of the Public Revenue and expenditure from December 1, 1828, to December 5, 1829.

Amount in the treasury Dec. 1. 1828, \$11,348 01

Receipts from that period to 5th Dec. 1829.

From taxes due for the year	1822,	\$145 47
" " " " " "	1823,	606 13
" " " " " "	1824,	69 60
" " " " " "	1825,	19 52
" " " " " "	1826,	144 38
" " " " " "	1827,	218 10
" " " " " "	1828,	27001 86
" " " " " "	1829,	2885 08
3 Sales of lots in Indianapolis.		3053 81

" " of seminary lands,	4617 91
" " of lands mortgaged to loan office,	271 50
" Loans refunded	496 84
" Interest on loans,	1394 79
" Adm'r of T. Deccast, who left no heirs,	36 74
" Militia fines, 39th and 48th regiments,	36 37
" Superintendent of French Lick,	25 00

Total rec'ts, 41023 60

Making in all, \$52371 51

Expenditures during the above period:

Contingent fund,	394 27
For printing and stationary,	2667 00
Pay and mileage of members of legislature,	11599 82
Salaries of the judiciary,	5703 38
" " " Executive,	2138 95
" " " Prosecuting attorneys,	954 50
" " " Adj't. and quarter master general,	206 25
Specific appropriations	1618 91
Expenses of presidential election,	172 30
" State prison,	519 52
" State library,	63 63
" Probate judges,	18 00
" Premiums for wolf scalps,	555 50
" Michigan road,	1828 64
" Canal fund,	1442 45
Appropriation for Wabash and Miami canal,	1000 00
" " Salt springs,	85 00
Paid to county seminaries of militia fines,	20 25
Orders of trustees of Indiana College and allowances in relation to same,	1942 07
Salary of agent and appropriations for improvements at Indianapolis,	2247 40
Loans of seminary funds and consideration of a tract of mortgaged land sold on credit,	7070 00
Leaving in the treasury on the 5th Dec. 1829,	10123 68
	<hr/> 52371 61

The claims to which the state is liable, are as follows:

Out-standing warrants,	162 05
Salaries and special allowances not yet audited,	1863 00
Conscientious fines	542 52
Pay of probate judges, (estimate,)	1000 00
Indianapolis fund,	3307 34

Making in all \$6974 91

Which deducted from the cash on hand, leaves \$3148 77 of old delinquencies and of the revenue of 1829, there will probably be paid during the next financial year, the sum of \$28,500, which, with the cash on hand, will make \$31,648 77 to meet the current expenditures of the year. The expenses of the last year, without taking into consideration the Indianapolis or College payments which are drawn from different sources, amount to \$30,988 37. The expenses of the ensuing year, will probably exceed that sum, as the pay of probate judges will be a heavy additional item. Should they amount to only \$31,000, there will be in the treasury on the 1st Dec. 1830, \$648 77

The state revenue from the year 1822, to this time has arisen almost entirely from a tax on polls and land. During this period the taxable polls have increased from 28,500 to 48,500, and the taxable land from 1,874,710 acres to 3,595,177 acres. The increase was much larger in the years 1823 and 1824 than any which have succeeded, as may be seen from the following statement of actual receipts, calculating the revenue at the present rates.

Receipts for the revenue of 1822,	\$17,400 00
" " " " 1823,	20,315 00
" " " " 1824,	22,834 00
" " " " 1825,	24,395 00
" " " " 1826,	25,635 00
" " " " 1827,	27,091 98
" " " " 1828,	29,721 18
" " " " 1829, estimate	31,500 00

Judging from the past, the revenue of the state can hardly be expected to increase more than from fifteen to eighteen hundred dollars per annum. The increase in expenditure during the last seven years has been principally in the following items.

Legislative and printing about	\$5000 00
Probate judges and wolf scalp bounties, about	3500 00

Making \$8500 00

New occasions of expenditure will probably arise in the judiciary and other departments, so that a considerable surplus revenue is not soon to be expected.

Respectfully submitted,

SAML. MERRILL.

(No. 2.)

Report in relation to the Loan Office from the 1st December, 1828, to the 5th December, 1829.

Balance of seminary fund reported last year,	\$1572 59
Received during the above period from J. Borland commissioner Seminary township in Monroe,	1702 28

From Jas. Smith, Comr. Semy. township, Gibson,	2915 63
From sale of mortgaged land for non payment of interest, (D. Edwards)	271 50
Loans refunded,	496 84
Interest on Loans,	1376 63
Interest on purchase money of land sold for breach of condition in mortgage,	17 10

	Making in all,	\$8353 63
Loans on Mortgages as per list accompanying,		\$6785 00
Purchase money to be paid for mortgage land sold on credit, interest payable annually in ad- vance,		285 00
Salary and percentage of Superintendent,		96 68
Allowance to James Smith,		25 00
“ Recorder of Monroe,		60 89

	<i>Paid orders of Trustees of Indiana College.</i>	
For salaries of President and Professors,		1110 00
“ Building a College Chapel,		600 00
“ Printing,		49 50

Making in all, \$9012 07

It will be seen by the above, that the seminary funds are anticipated to the amount of \$648 44. More than this sum, however, was in the hands of the commissioners, when the last loans were made, a part of which has since been paid over, but too late to be included in this report.

From the several returns made by Messrs. Smith and Borland, the former to the 25th Oct. and the latter to the 28th Nov. last, it appears that they have sold 301 half qr. sections of land for \$48,915 61, of which there has been paid, as principal \$18,647 21. There has also been received for interest on the unpaid purchase money \$3,427 21, and there is still due for interest, on said purchase money \$1,602 33. There are unsold, in said townships 185 half qr. sections, besides the three sections adjoining the college reserved from sale.

The state of the College fund, as far as appears from the books of this office, is as follows:

Rents paid over by Emerson and Smith,	\$119 00
Cash paid by Neely, Smith and Wilson for lands sold in the year 1822,	2371 96
“ Received by Borland, as principal,	12111 77
“ “ “ “ for interest,	2335 23

"	"	"	Smith for principal,	6535	44
"	"	"	" interest,	911	98
Interest paid by state and individuals on loans,				3080	30

Total receipts, \$27465 68

There is now due, as principal, for lands sold by					
			Borland,	20451	90
Due, as interest on the same,				1140	90
"	"		principal for lands sold by Smith,	9816	50
"	"		interest for lands sold by Smith,	461	43

Making in all, \$59336 41

Deductions from the foregoing.

Specific allowances by the legislature,				320	19
Superintendent's salary and per cent.,				145	48
Recorder of Monroe,				60	89
Orders of the college trustees,				2919	31
Amount liable to be retained by the commissioners,					
			for their services,	1075	30
Balance in favor of the college,				54815	29

\$59336 41

There are also still unsold 16,720 acres of land, which, at no more than one dollar per acre, would make the available funds of the college, upwards of 80,000. The superintendent of the Loan office has continued to loan out the funds in his hands to the persons who made applications in April 1828, in the order in which the names of applications were then drawn by lot, except where a sufficient title could not be exhibited or the applicant has not chosen to avail himself of the privilege. In such cases, persons have been permitted to transfer their claim. It is still intended to continue this course of loaning out the money until those, who, at that time, were at the expense of having their lands valued, shall obtain loans, if they still wish and shall be entitled to them. They or the persons holding their claims, will be furnished with instructions whenever their loans can be effected. This statement is submitted to prevent, as far as possible needless solicitations. When the present list of applicants shall be gone through with, notice will be again given for receiving applications as before, unless a different mode of proceeding shall be prescribed by the legislature.

Respectfully submitted,

SAML. MERRILL.

(No. 3.)

List of persons who borrowed of the Seminary funds from the 1st December, 1828, to the 1st December 1829.

	<i>Security.</i>	<i>Valuation.</i>	<i>Sum loaned.</i>
Henry Myers,	120 acres land	\$252 00	\$100 00
Joseph Glancy,	30 " "	856 00	100 09
B. I. Blythe,	80 " "	550 00	275 00
F. M. Richmond,	80 " "	200 00	66 00
Wm. Sanders,	160 " "	1200 00	500 00
Saml. K. Barlow,	80 " "	400 00	133 00
Henry Porter,	60 " " and two lots in Indianapolis, not appraised.	}	500 00
Daniel Yandes,	160 acres land,		250 00
Thomas I. Matlock,	80 " "	300 09	108 00
John W. Reding,	160 " "	1720 00	450 00
Stevens, Elliot & Lee,	403 " "	900 00	450 00
Samuel Beeler,	80 " "	400 00	125 00
David Brown,	50 " "	350 00	125 00
Thomas Martin,	80 " "	360 00	100 00
John Doty,	80 " "	400 00	100 00
John Hiday,	80 " "	212 00	72 00
John Allison,	160 " "	660 00	233 00
Nicholas Sheffer,	67½ " " not appraised.		53 00
John P. Chinn,	80 " " " "		54 00
Thomas Baldwin	165 " "	1250 00	600 00
Patrick Baird,	160 " "	1550 00	500 00
Ambrose Shirley,	160 " "	300 00	100 00
James M'Coy,	68 " "	425 00	133 00
E. B. Wilson,	147 " "	1127 00	400 00
John I. Belles,	80 " " not appraised,		53 00
Zachariah Lemaster,	80 " " " "		50 00
Samuel True,	340 " " " "		320 00
Saml. & John Dabney,	240 " " " "		130 00
James Hill,	80 " " " "		85 00
William Brown,	40 " " " "		28 00
James Clark,	160 " " " "		83 00
Daniel Smith Lane,	366 " "	1830 00	500 00
Jacob Hill,	80 " "	225 00	100 00

The above is correct.

S. MERRILL.

(No. 4.)

Allowances from contingent fund by the Governor.

1828, Dec. 10.	Samuel Ray for notifying Wm. Lowe an elector,	\$11 00
" " "	George Piercy " B. V. Beckes an elector,	28 00
1829, Jan. 24.	Thomas Scott, attendance at Court Martial,	2 00
" " "	John T. M'Kinney for transporting public arms,	16 00
" " "	William Youse for do. do.	8 00
" " "	Elisha Long for notifying Ross Smiley an elector,	15 00
" " "	I. G. Read for " R. Boon an elector,	32 00
Feb. 15.	Samuel Henderson for postage,	22 40
" " "	Drake and Conkling for paper,	11 25
" " "	Thomas Sharpe for copying Memorials,	5 00
" March "	Charles Mitchel for attending Court Martial,	3 00
" " "	Henry Brewer do. do. do. do.	1 00
" " "	Nicholas M'Carty for stationary,	53 79
" " "	I. N. Phipps, " "	4 69
" " "	John Cain for book binding,	17 84
" June "	Saml. Henderson for postage,	24 19
" " "	Jas. Morrison for copying Polke and Hinds report,	3 50
" " "	David Osborn for attending Court Martial,	3 00
" " "	George Shirts for do. do. do. do.	3 00
" " "	John Cain for binding and stationary,	12 06
" " "	Smith and Bolton for advertising fugitive,	3 50
" " "	" " for printing blanks for secy.	10 00
" " "	John H. Newland carriage and charges on map,	3 00
" Sep. "	Noah Wright notifying Col. Durham an elector,	16 00
" " "	Christopher Shuck carriage of books,	72
" " "	John Cain blank book for adj. gen.	12 20
" " "	John Givan cordage for packing laws,	4 88
" Nov. 20	Nicholas M'Carty for stationary,	48 25
" " "	John Cain blank book for treasurer,	14 00
" " "	Caleb Scudder, table, "	5 00

 \$394 27

I certify the above to be correct.

S. MERRILL.

(No. 5.)

Bill of stationary, carriage, &c. for 1829.

Bot. of L. & N. Lodge,			
Aug.	1828, six boxes cooperage, &c. for paper,		\$5 00
Jan. 3,	1829, 1 ream envelope paper, for Wick,		3 00
Feb. 9,	" 19 " Medium, No. 5, \$3 00,		57 00
	Box for same,		75
April 25,	20 reams medium, No. 5, \$3 00,		60 00
" "	3 " Post, " 1, 3 75,		11 25
" "	3 " " " 2, 3 25,		9 76
	Two boxes for the above,		1 50
Feb. 16,	Paid Samuel Darnol for hauling,		6 77
May "	Robert Goudy, " "		12 19
June 25,	101 reams Royal, No. 2, 4 25,		429 25
" "	91 " Med. " 5, 3 00,		273 00
" "	10 " Cap. " 1, 3 25,		32 50
" "	10 " " " 3, 2 75,		27 50
" "	17 " Post, " 1, 3 75,		63 75
" "	17 " " " 2, 3 25,		55 25
" "	26 " Med. " 4, 3 25,		84 50
			<hr/>
			\$1133 16
Aug. "	Paid Goudy's bill for hauling,		58 85
" 17,	Bot. of Dillenger, 3½ lbs. wafers,		3 50
" "	1 doz. Cryon pencils,		25
" "	200 fine quills, No. 80, \$3 00,		6 00
" "	300 " " " 54, 2 25,		6 75
" "	Bot. of Jones, 12 pieces ribbon,		1 50
" "	2 doz. linen tapes,		75
" "	Bot. of Guilford's, 2 reams hot		
	press paper,	5 25,	10 50
" "	2 doz. cork inkstands,	1 00,	2 00
" "	1 " sand boxes,		1 00
" "	3 " red tape,	50,	1 50
" "	50 office wafers,		50
" "	500 quills, orange strings,		1 87½
" "	200 " red 100, green	100,	3 00
" "	500 " "	50,	2 50
" "	300 yellow,	1 37½,	4 12½
" "	16 lbs. sand,	10,	1 60
" "	3 doz. ink-powders,	1 25,	3 75
" "	1 " " bottles,		2 25
" "	2 boxes,		37½
" "	Bot. of E. Poor, 3 boxes candles, 130 lbs. 9½	12 35	
" "	3 boxes,		75

Paid A. W. Russell for candles at the close of session last year,	1 00
Paid John Hager for hauling,	4 20
Bot of N. M'Carty, nest of wafer boxes,	50
Five pairs of snuffers,	1 25
	\$1265 79

Extracted from the original bills and receipts on file in my office.

S. MERRILL.

Which were read, and

On motion of Mr. Pennington,

So much of said report as relates to the finances, was referred to the committee of ways and means; and so much of the same as relates to the seminary funds, to the committee on education.

On motion of Mr. Beard,

Resolved, That the act of congress granting to the state of Indiana a certain quantity of land to enable her to make the Wabash and Erie canal, and the act of congress authorizing the state of Indiana and Ohio to negotiate upon that part of said canal which is to run through the latter state, be printed with the report and accompanying documents this day submitted to this house by the commissioners of this state.

The house then proceeded to consider the orders of the day.

The bill for the benefit of Zachariah Skelton was read a second time, and committed to a committee of the whole house, and made the order of the day for Monday next.

The bill for the relief of Claudius G. Brown was read a second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The engrossed bill authorizing an asylum for the poor in the county of Washington, was read the third time, and

On motion of Mr. Little, .

The same was ordered, to be laid on the table.

The house resolved itself into a committee of the whole on the message of the Governor; and after some time spent therein, the speaker resumed the chair, and Mr. Hawk reported, that the committee of the whole, have had the same under consideration, and adopted sundry resolutions relative thereto; which are as follows, to wit:

1. *Resolved*, That so much of the Governor's address as respects state internal improvements, be referred to the committee on Canals and internal improvements.

2. *Resolved*, That that part thereof respecting national roads, be referred to the committee on roads

3. *Resolved*, That so much thereof as relates to the Michigan and Ohio turnpike, be referred to the committee last above mentioned.

4. *Resolved*, That so much thereof as respects the Wabash and Erie canals, be referred to the committee on canals and internal improvements.

5. *Resolved*, That so much thereof as respects the Wabash and White River obstructions, be referred to the last named committee.

6. *Resolved*, That so much of the said address as respects agriculture, mechanics and arts, be referred to the committee of ways and means.

7. *Resolved*, That so much thereof as respects colonization, be referred to the committee on education.

8. *Resolved*, That so much thereof as respects Indians, be referred to the last named committee.

9. *Resolved*, That so much thereof as respects special courts, be referred to the committee on the judiciary.

10. *Resolved*, That so much thereof as regards contest of elections, be referred to the last named committee.

10. *Resolved*, That so much thereof as respects the presidential election, be referred to a select committee of seven members.

12. *Resolved*, That so much of the governor's address to the two houses as respects hospitals in Tennessee and Kentucky, be referred to the committee on ways and means.

13. *Resolved*, That so much thereof, as refers to school sections and the Indiana college, be referred to the committee on education.

14. *Resolved*, That so much thereof as respects a state census, be referred to the committee on the judiciary.

15. *Resolved*, That that part thereof in reference to a civil code, be referred to the committee on education.

16. *Resolved*, That so much thereof as respects jurisdiction, be referred to the committee on the judiciary.

17. *Resolved*, That so much thereof as respects asylums, be referred to the committee on ways and means.

18. *Resolved*, That so much thereof as respects real estate, be referred to the committee on the judiciary.

19. *Resolved*, That so much thereof as respects gambling, be referred to the last mentioned committee.

20. *Resolved*, That so much thereof as respects habitual drunkenness and titles, be referred to the committee on education.

21. *Resolved*, That that part respecting the state finances, be referred to the committee on ways and means.

22. *Resolved*, That so much thereof as respects the three per cent. fund, be referred to the committee on canals and internal improvement.

In which several resolutions, he asked the concurrence of the house: and

On motion,

The house concurred therein generally.

Ordered, That Messrs. Johnston of Knox, Howk, Blake, Hillis, Evans, Johnston of Tippecanoe, and Davis of Allen, be the select committee in pursuance of the 11th resolution.

The house resolved itself into committee of the whole on the bill allowing the writ of certiorari, and after some time spent therein the speaker resumed the chair, and Mr. Bassett reported the same with one amendment, which was by striking it out from its enacting clause, in which said amendment he asked the concurrence of the house; and

On motion,

The house concurred therein.

On motion of Mr. Long,

The further consideration of said bill was indefinitely postponed.

On motion of Mr. Boon,

Leave was granted him, to withdraw certain document, accompanying the petition of the heirs of Westley Harrison, dec'd. presented at the last session of the general assembly.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 12, 1829.

The House met pursuant to adjournment.

Mr. Stewart presented a petition of A. Campbell, president of the road commissioners, on road No. 3, praying certain relief, and also of sundry citizens of Pike county, on the same subject:

Which were read and referred to the committee on claims.

Mr. Brown presented a petition of C. W. Morrow,

and others, citizens of Rush county, praying the location of a state road, leading from Miller's mill, in Union county, to Rushville:

Which was read; and,

On motion of Mr. Crume,

The same was ordered to lie on the table.

Mr. Logan presented a petition of Elisha Denny and others, citizens of Washington county, praying that authority by law be given the superintendent of Rice's Lick and Rock Lick reservations, to lease the same for the term of three years, instead of one year:

Which was read, and referred to a select committee of Messrs. Logan, Kingsbury and Parks.

Mr. Wallace of Jefferson, presented a petition of Ebenezer Hillis and others, citizens of said county, praying the passage of a law to prevent the migration of free persons of colour into this state:

Which was read and referred to the committee on the judiciary.

Mr. Hoover presented the following report, viz.

The select committee to whom was referred a resolution of this house, on the subject of the unfinished business of last session, have performed that duty, and find the following unfinished business, which they beg leave to present to the house, *to wit*:

1st. A bill to establish a state road from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of the Driftwood fork of White river.

2nd. A joint resolution to an amendment to the constitution of the United States, on the subject of electing the president of the United States.

3rd. A bill supplementary to the several acts now in force, for assessing and collecting the revenue.

4th. A bill concerning monies expended on account of the Michigan road.

5th. A bill making certain trespasses therein named, penal offences.

6th. A joint resolution of the general assembly of

the state of Indiana, relative to the transportation of certain convicts to the mouth of the Oregon river.

7th. A bill to amend an act, entitled "An act for the appointment of county surveyors, and their deputies.

8th. A joint resolution of the general assembly, to effect the removal of the pension office from Corydon to Indianapolis.

9th. A joint resolution of the general assembly of the state of Indiana, relative to an alteration of the constitution of the United States, on the subject of electing the president of the United States.

10th. A bill to amend an act, entitled "An act to amend the several acts now in force, relative to assessing and collecting the revenue; approved Jan. 24, 1827."

11th. A bill to relocate part of the state road, leading from New Castle to Lafayette.

12th. A bill to promote the raising of sheep.

13th. A joint resolution relative to maps of the state of Indiana, to be published by John Scott of Wayne county.

14th. A bill for opening and repairing public roads and highways.

15th. A bill declaring Silver creek a public highway, from its mouth, to Preston's fork of said creek.

16th. A bill amendatory to the several acts for assessing and collecting the revenue.

17th. A bill to incorporate the managers of the Madison and Indianapolis turnpike company.

18th. An engrossed bill from the senate, entitled "An act declaring Beanblossom creek a public highway.

19th. A joint resolution of the general assembly, of the state of Indiana, on the subject of graduating the price of the public lands, and of donating the refuse to actual settlers.

20th. A bill to re-locate part of the state road from Vincennes to Spencer.

21st. An engrossed bill from the senate, entitled "An act to amend the act regulating estrays, and water crafts going adrift."

22d. An engrossed bill from the senate, entitled "An act to amend an act entitled, An act, to amend an act, to establish a state library; approved Feb. 4, 1825.

The bill, No. 1, in the above report, was read the first time, and passed to a second reading on Monday next.

No. 5, 6, 12 and 13, in the above report, were severally read the first and second times, the rules of the house having first been dispensed with, and the further consideration thereof was indefinitely postponed.

No. 8, in the above report, *to wit*: The joint resolution to effect the removal of the pension office from Corydon to Indianapolis, was read the first and second times, the rules of the house having first been dispensed with; when,

Mr. Pennington moved to postpone the further consideration thereof, indefinitely:

And the ayes and noes being called for by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong,

Bassett,

Bell,

Bence,

Blake,

Boon,

Casey,

Coffin,

Conner,

Dixon,

Dumont,

Evans,

Finley,

Fite,

Guion,

Hall,

Messrs. Jackson of Scott,

Johnston of K.

Johnston of F.

Ketcham,

Kingsbury,

Levenworth,

Little,

Logan,

Morrison,

McNary,

Moyer,

Parks,

Pennington,

Polke,

Read,

Reiley.

Messrs Hamilton,
Howk,
Hussey,
Jack,

Messrs. Slaughter,
Stewart, and
Wallace of J.—39.

And those who voted in the negative, are,

Messrs. Beard,
Brown,
Crume,
Davis of A.
Davis of S.
Gardner,
Hendricks,
Herod,
Hillis,
Hoover,
Jackson of D.

Messrs. Jones,
Kinnard,
Leviston,
Long,
Noble,
Pabody,
Pollock,
Rariden,
Smith,
Wallace of F. and
Smiley, Speaker,—22.

And so said motion was carried in the affirmative.

Nos. 2 and 9, in the above report, were read the first and second times, the rules of the house having first been dispensed with, and referred to the same select committee, to whom was referred that part of the governor's message, which relates to the election of president and vice president of the United States.

Nos. 3, 7 and 10, in the foregoing report, were severally read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house; and made the order of the day for Monday next.

Nos. 4 and 11, in the above report, were severally read the first and second times, the rules of the house having first been dispensed with; and ordered to lie on the table.

Nos. 15, 17, 18 and 21, in the foregoing report, were severally read the first and second times, the rules of the house having first been dispensed with, and referred to select committees:

No. 15, to Messrs. Howk, Bence and Morrisop.

No. 17, to Messrs. Hillis, Kinnard, Pabody, Davis of S. and Herod.

No. 18, to Messrs. Ketcham, Dixon and Hussey.

No. 21, to Messrs. Slaughter, Bell, Moyer, Stewart and Morrison.

Nos. 20 and 14, in the above report, were severally read the first and second times, the rules of the house having been first dispensed with; and referred to the committee on roads.

No. 19, in the above report, *to wit*: The joint resolution of the general assembly of the state of Indiana, on the subject of graduating the price of public lands, and donating the refuse to actual settlers, was read the first and second times, the rules of the house having first been dispensed with.

Mr. Rariden moved to lay the same on the table; And the ayes and noes being called for by too members,

Those who voted in the affirmative, are,

Messrs. Beard,

Bell,

Bence,

Conner,

Evans,

Fite,

Gardner,

Hendricks,

Hillis,

Hawk,

Jackson of S.

Ketcham,

Kingsbury,

Messrs. Kinnard,

Levenworth,

Logan,

Long,

Morrison,

Moyer,

Noble,

Pennington,

Rariden,

Slaughter,

Wallace of J. and

Smiley, *Speaker*.—25.

And those who voted in the negative, are,

Messrs. Armstrong,

Bassett,

Blake,

Boon,

Brown,

Casey,

Coffin,

Crume,

Messrs. Hussey,

Jack,

Jackson of D.

Johnston of K.

Johnston of S.

Jones,

Leviston,

Little,

Messrs. Davis of A.
 Davis of S.
 Dixon,
 Dumont,
 Finley,
 Gaion,
 Hall,
 Hamilton,
 Herod,
 Hoover,

Messrs. McNary;
 Pabody,
 Parks,
 Polke,
 Pollock,
 Read,
 Reiley,
 Smith,
 Stewart, and
 Wallace of F.—36.

And so said motion was decided in the negative.

Mr. Bassett moved to refer said joint resolution to a select committee:

Which motion was carried in the affirmative.

Ordered, That Messrs, Bassett, Hall, Reily, Boon, Rariden, Blake and Coffin, be said committee.

Nos. 16 and 22, in the foregoing report, were severally read the first and second times, the rules of the house having first been dispensed with, and referred, the first to the committee of ways and means, and the second to the committee on education.

On motion of Mr. Boon,

Resolved, That the committee on canals and internal improvements be requested to enquire into the expediency of reporting a bill to this house, providing for the improvement of the rapids of the Wabash river below Vincennes.

On motion of Mr. Leviston,

Resolved, That the judiciary committee be directed to enquire into the expediency of either repealing the 25th section of an act, entitled "An act authorizing domestic attachments, and to regulate the proceedings thereon," or so amending the act regulating the practice at law, as to provide that absent defendants may be served with the ordinary process of law.

On motion of Mr. Noble,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so

amending the nineteenth section of the act, entitled "An act regulating the jurisdiction and duties of Justices of the Peace;" approved, January 30th, 1824; that in no case shall a *scire facias* issue against the replevin bail, until after the principal shall have been prosecuted to insolvency.

On motion of Mr. Davis of Shelby,

Resolved, That the committee on roads be instructed to enquire into the expediency of appropriating five hundred dollars on that part of the Brookville state road, that lies west of Rushville, to the town of Indianapolis; which money shall be paid out of the three per cent fund.

On motion of Mr. Hussey,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law, enacted last session, as that a majority of the voters present, shall be sufficient to authorise the sale of those school sections which have not been sold.

On motion of Mr. Long,

Resolved, That the committee on education be requested to enquire into the expediency of so amending the law authorising the sale of school lands, as to make it the duty of the school commissioners, to sell to persons making application, after said land has been offered at public sale.

And then the House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, DECEMBER 14, 1829.

The house met pursuant to adjournment.

Mr. Kingsbury presented a petition of sundry citizens of Washington county, praying that a law may be passed to prevent the migration of free people of color, into this state:

Which was read and referred to the committee on the judiciary.

Mr. Gardner presented a petition of Robert Scott and others, citizers of Vermillion county, praying that that part of the state road leading from Greencastle, in Putnam county, through Springfield, in Vermillion county, to the line dividing Indiana from Illinois, which lies between Springfield and said state line, may be vacated: and that the state road leading north from Terre Haute, and now terminating at Raccoon creek, may be extended through Montezuma, Newport, to Eugene, on the county road, as now established; thence to Perryville, Covington, Portland, Attica, Lafayette, Delphi, Logansport, to Fort Wayne:

Which was read and referred to the committee on roads.

Mr. Stewart presented a petition of John McIntire and others, citizens of Pike county, praying that the survey and establishment of corners in the town of Petersburg, in said county, by order of the board of justices, may be legalized:

Which was read and referred to a select committee of Messrs. Stewart, Casey and Hall.

Mr. Jackson, of Scott, presented a petition of Henry Burch and others, citizens of Jefferson and Scott counties, praying that a part of Jefferson county may be attached to Scott county:

Which was read and referred to a select committee of Messrs. Jackson of S. Hillis and Morrison.

Mr. Hussey presented a petition of Jonathan Astley and others, citizens of Morgan county, praying to be exempt from the payment of ferriage, when compelled to attend courts, &c.

Which was read and referred to a select committee of Messrs. Hussey, Reiley and Wallace of J.

Mr. Beuce presented a petition of James Johnston and others, citizens of Clark county, praying

that part of said county may be attached to the county of Floyd:

Which was read and referred to a select committee of Messrs. Bence, Fite and Bell.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing that the senate has passed an engrossed bill, entitled "An act concerning the Farmers' and Mechanics' bank of Indiana: in which the concurrence of the house is requested.

The said engrossed bill, was then read the first time and passed to a second reading to-morrow.

Mr. Read from the committee of ways and means, to whom was referred, the bill amendatory to the several acts for assessing and collecting the revenue, reported said bill without amendment.

Mr. Read then moved to commit said bill to the same committee of the whole house to whom were committed two bills and a resolution of this house, on the same subject and made the order of the day for this day.

Mr. Kinnard from the select committee to whom was referred a resolution of this house on that subject reported a bill to establish a state road from Martinsville, by way of Lyons mill and Mooresville, leading north to the Michigan road; which was read the first time and passed to a second reading to-morrow.

Mr. Stewart from the select committee to whom was referred the petition of Sarah M'Cune, praying to be divorced from her husband, reported a bill in pursuance of the prayer of the petitioner, which was read the first time, when

Mr. Long moved to reject the same, which motion was carried in the affirmative.

Mr. Wallace of Jefferson, from the select committee to whom was referred a resolution of this house on that subject, reported a bill, laying a tax upon

sales at auction; which was read the first time and passed to a second reading to-morrow.

Mr. Ketcham, from the select committee to whom were referred a petition of sundry citizens of Monroe county, on the subject of declaring Bean Blossom creek a public highway, and also a bill on the same subject, reported among the unfinished business of last session, reported, that the wishes of the petitioners, and the object of the bill, have been amply provided for, by an act passed at the last session of the legislature, and therefore deem further legislation, on that subject, unnecessary.

Which report was read and concurred in by the house.

On motion of Mr. Beard,

Resolved, That so much of the governor's message as relates to a new organization of the militia system, be referred to the committee on military affairs.

On motion of Mr. Blake,

Resolved, That his excellency the governor be requested to inform this house whether any report of the engineer appointed, in pursuance of an act of congress, to examine the obstructions in the Wabash river, has been made to him by the engineer, or furnished to him by the secretary of war, and if so, to transmit the same to this house, and that he further be requested to communicate to this house any information he may have touching this subject.

On motion of Mr. Reiley,

Resolved, That a select committee be appointed whose duty it shall be to take into consideration all that part of the governor's message which relates to the condemnation of individual property, through which the national road passes.

Ordered, That Messrs. Reiley, Blake, Rariden, Kinnard, Long, Hussey and Boon, be said committee.

On motion of Mr. Hamilton,

Resolved, That a select committee be appointed to enquire whether any, and if any, what alteration ought to be made in the act, entitled an act relative to crimes and punishments.

Ordered, That Messrs. Hamilton, Hall, Howk, Dumont and Conner, be said committee.

On motion of Mr. Kinnard,

Resolved, That so much of the message of the governor as relates to the eminent domain, be referred to a select committee.

Ordered, That Messrs. Kinnard, Hillis, Levenworth, Hall, Boon, Davis of A. and Johnston of T., be said committee.

On motion of Mr. Conner,

Resolved, That so much of the governor's message, which relates to the improvement of the east and west forks of White rivers and Wabash be referred to a select committee.

Ordered, That Messrs. Conner, Hussey, Kinnard, Read, Stewart, Dixon and Hall, be said committee.

On motion of Mr. Wallace of F,

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing the present Probate Law.

On motion of Mr. Herod.

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 8th section of the act regulating the jurisdiction and duties of justices of the peace, passed 22d January, 1827, as prohibits the circuit court, in appeal cases, from suffering the plaintiff or defendant to amend their statement of cause of action or matter of defence.

Mr. Hussey presented the following resolution, viz:

Resolved, That a select committee be appointed to enquire into the expediency of abolishing the road tax on real estate.

And on the question being put "shall said resolu-

tion be adopted?" the same was decided in the negative.

On motion of Mr. Davis of Allen,

Resolved, That the committee on roads be instructed to enquire into the expediency of locating and opening a road from Winchester, in the county of Randolph, to Fort Wayne, in the county of Allen.

On motion of Mr. Moyer,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating executions, before justices of the peace, as to authorize justices of the peace to issue executions against the goods and chattles and the body of the defendent, under the same writ, in cases where there is no replevin.

Mr. Gardner, presented the following resolution:

Resolved, That the military committee be directed to enquire into the expediency of organizing the militia of Warren, county into a regiment, giving them the right to elect their regimental officers within the bounds of said county.

Mr. Long moved to amend said resolution so as to make the provisions thereof extend to the county of Hancock, which motion was decided in the affirmative.

The said resolution as amended was then adopted by the house.

Mr. Coffin presented the following resolution, viz:

Resolved, That the committee of ways and means, be instructed to enquire into the expediency of so amending the law for assessing and collecting the revenue of this state as to require each person liable to taxation by law, to meet the assessor and collector at some convenient place in each township, to be fixed on by the board doing county business, to give in their property and pay their tax.

And on the question being put "shall said resolution be adopted?" the same was decided in the negative.

Mr. Herod presented the following resolution viz:

Resolved, That the committee on roads, be instructed to enquire into the propriety of repealing the present law regulating roads and highways.

And on the question being put "shall said resolution be adopted?" the same was decided in the negative.

Mr. Smith presented the following resolution, viz:

Resolved, That the judiciary committee be instructed to enquire into the expediency of raising the jurisdiction of justices of the peace in criminal cases; and also of giving justices of the peace, in their respective townships, original jurisdiction in cases of affray, assault, and battery and other petit misdemeanors.

And on the question being put "shall said resolution be adopted?" The same was decided in the negative.

Mr. Leviston moved the following resolution:

Resolved, That the committee on elections be directed to enquire into the expediency of so amending the law regulating general elections, as to require the voters to vote in their respective townships and not elsewhere.

And on the question to adopt said resolution, the same was decided in the negative.

On motion of Mr. Long,

The resolution, presented on the 11th inst. by Mr. Herod, on the subject of amending the law regulating public ferries was taken up, when Mr. Herod moved to amend the same, so that it should read as follows, viz:

Resolved, That the committee of ways and means, be instructed to enquire into the propriety of so amending the law regulating public ferries as to make it the duty of ferry keepers to cross all persons who are liable to do military duty, in going to and returning from their proper musters, free of charge, and to entitle said ferry keepers to such reasonable compensation, as the court of assessments may al-

low, to be paid out of the funds arising from the fines assessed against delinquents.

Which motion was decided in the affirmative.

And the said resolution as amended was then adopted by the house.

On motion of Mr. Gardner,

The resolution presented to the house on the 11th inst. on the subject of taking the next census was taken up, when

Mr. Boon moved to amend the same, so that the taking of said census might commence on or before the time contemplated by said resolution, which motion was carried in the affirmative.

And the said resolution, as amended was then adopted by the house.

Mr. Evans after having obtained leave, presented a joint resolution giving further time to the collectors of the state revenue to make payment thereof: which was read the first time, when

Mr. Johnston of Knox, moved to reject the same.

And the ayes and noes being required by two members,

Those who voted in the affirmative, are,

Messrs. Bence,
Blake,
Boon,
Brown,
Crume,
Davis of A.
Dumont,
Finley,
Fite,
Gnion,
Hall,
Hamilton,
Hoover,
Hawk,
Jackson of D.
Jackson of S.

Messrs. Johnston of K.
Johnston of T.
Jones,
Kinnard,
Leviston,
Logan,
Morrison,
Moyer,
Noble,
Pabody,
Parks,
Rariden,
Read,
Reiley,
Wallace of F.—
Smiley, *Speaker*.—32.

And those who voted in the negative, are,

Messrs. Armstrong,
Bassett,

Messrs. Jack,
Ketcham,

Messrs. Beard,
Bell,
Casey,
Coffin,
Conner,
Davis of S.
Dixon,
Evans,
Gardner,
Hendricks,
Herod,
Hullis,
Hussey,
Jack

Messrs. Ketcham
Kingsbury,
Levenworth,
Little,
Long,
McNary,
Pennington,
Polke,
Pollock,
Slaughter,
Smith,
Stewart, and
Wallace of J. 29.

So said motion was carried in the affirmative.

Mr. Hawk. after having obtained leave presented a bill to amend the act entitled "an act to provide for incorporating a county seminary in the county of Clark, approved January 26th, 1829;

Which was read the first time and passed to a second reading to-morrow.

Mr. Morrison, after having obtained leave, presented a bill to establish a state road from Indianapolis to some convenient point on the Ohio river, commonly called the Michigan road;

Which was read the first time and passed to a second reading to-morrow.

Mr. Little, after having obtained leave, presented a bill amendatory to the several acts regulating the jurisdiction and duties of justices of the peace, which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Dumont,

Ordered, That sixty five copies of said bill be printed for the use of the members of this house.

And then the house adjourned until 2 o'clock in the afternoon.

2 o'clock P. M.

The house met pursuant to adjournment:

And then the house adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 15, 1829.

The House met pursuant to adjournment.

Mr. Brown presented a petition of Isaac Conde and others, citizens of Rush and Shelby counties, praying the location of a road from Middletown, in the county of Shelby, through Moscow, to intersect the state road near Erasmus Aldridge, and to appoint commissioners to locate the same:

Which was read and referred to a select committee of Messrs. Brown, Davis of S. and Hendricks.

Mr. Reiley presented a petition of Abraham Westfall, collector of the revenue of Knox county, for the year 1828, praying that \$ 20.66 may be refunded to him on account of delinquencies, which, in his settlement with the treasurer he omitted to charge:

Which was read and referred to the committee on claims.

Mr. Parks presented a petition of sundry citizens of Lawrence and Monroe counties, praying that commissioners may be appointed, with power to change that part of the state road leading from Levenworth to Indianapolis, which lies between certain points set forth in said petition:

Which was read and referred to the committee on roads.

Mr. Stewart presented a petition of Martha McBride, of Dubois county, praying to be divorced from her husband, Daniel McBride:

Which was read, and referred to a select committee of Messrs. Stewart, Evans, and Pennington,

Mr. Long presented a petition of John Elliott and others, of Henry county, praying that measures may be provided by law, to prevent persons again claiming such county orders, as may have been issued, and not marked upon the book kept for that purpose:

Which was read and referred to a select committee of Messrs. Long, Leviston, Conner and Noble.

Mr. Ketcham presented a petition of sundry citizens of Monroe county, praying a further extension for the term of five years, to William Jackson of said county, of the lease of Jackson's Lick; for the causes set forth in said petition:

Which was read and referred to the committee on claims.

Mr. Ketcham presented a petition of William Lowe and sundry other citizens of Monroe county, praying that measures may be taken to investigate certain alleged abuses in the trustees and teachers of the Bloomington college, in said county:

Which was read and referred to the committee on education.

Mr. Ketcham also presented a remonstrance of Isaac McCoy and others, students of said college, against the prayer of said petition, together with sundry communications from different individuals, upon the same subject.

Which were also read and referred to the committee on education.

Mr. Morrison presented a petition of sundry citizens of Clark county, praying for an investigation into certain alleged abuses in the officers and teachers of Bloomington college:

Which was also read and referred to the committee on education.

Mr. Pennington from the committee on roads, to whom was referred a petition on that subject, reported a bill supplemental to an act entitled "An act to establish a state road from Leavenworth, by way of Bono to Indianapolis:"

Which was read the first time, and passed to a second reading to-morrow.

Mr. Slaughter from the select committee, to whom was referred a bill to amend an act to regulate estrays and water crafts going adrift, reported said

bill with two amendments; which amendments were read and concurred in by the house.

The said bill was then committed to a committee of the whole house, and made the order of the day for to-morrow.

On motion of Mr. Hall,

Resolved, That a select committee of three be appointed to enquire into the expediency of establishing a state road from the Upper Bridge on Patoca, in Gibson county, to intersect the state road leading from the mouth of White river by Petersburg, near John Johnston's in Pike county: And to appropriate the balance of the three per cent. fund, now in the hands of Archibald Campbell, commissioner of the state road, to the opening and repairing the same.

Ordered, That Messrs. Hall, Stewart and Casey, be said committee.

Mr. Beard moved the following resolution, viz.

Resolved, That the committee on roads be instructed to enquire into the expediency of establishing the following state roads, *to wit*: from Bloomington, by way of Green Castle and Crawfordsville, to Layfayette; also, from Crawfordsville to Williamsport, in Warren county.

Mr. Ketcham moved to amend said resolution, by adding at the end thereof, these words: "Also, from Bono, in Lawrence county, to Bloomington, in Monroe county:"

Which motion was carried in the affirmative.

The said resolution as amended, was then adopted by the house.

On motion of Mr. Jackson of Scott,

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the several acts regulating the judicial circuits, and fixing the times of holding courts therein; and also

of taking into consideration the propriety of forming one or more judicial circuits in this state.

On motion of Mr. McNary,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of appropriating a portion of the three per cent. fund to the removal of obstructions in Eel river, between the forks in Putnam county, and the mouth of said river.

On motion of Mr. Hoover,

Resolved, That the committee on roads be instructed to enquire into the expediency of providing by law, for the locating and opening of a state road, from Richmond in Wayne county, to Winchester, in Randolph county.

On motion of Mr. Brown,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating the trial of the right of property as to compel claimants to file their claims under oath.

On motion of Mr. Noble,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of making an appropriation for the improvement of the navigation of the river White Water.

On motion of Mr. Conner,

Resolved, That a select committee be appointed to enquire into the expediency of re-locating the Michigan road from Logansport to Indianapolis, and of making Noblesville a point.

Ordered, That Messrs. Conner, Davis of A. Polke, Blake, Jones, Long, and Pabody, be said committee.

On motion of Mr. Finley,

Resolved, That the committee on elections be directed to enquire into the expediency of so amending the law regulating general Elections, as to give

the boards doing county business power to appoint an additional inspector of elections, in such townships as may give more than five hundred votes, and to establish in such townships two election precincts, leaving it optional with the voters to vote at either.

Mr. Hall moved the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of reducing the minimum price of the lands in the semi-nary townships, in Gibson county.

Mr. Ketcham moved to amend said resolution, by inserting after the word *Gibson*, "and Monroe."

Which motion was carried in the affirmative.

Then said resolution as amended, was adopted by the house.

A message was received from the senate by Mr. Test, their assistant secretary, announcing that,

The senate has passed an engrossed bill, entitled "An act legalizing the proceedings relating to the change in the state road, leading from Owensville. in Gibson county, to Cynthiana, in Posey county; in which they desire the concurrence of the house of representatives.

The bill mentioned in the above message, was read the first time, and passed to a second reading to-morrow.

Mr. Herod moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reducing the state tax on polls, thirty-three and one-third per centum.

Mr. Noble moved to amend the same by striking out the word *reducing*, and inserting in lieu thereof, the word "*increasing*."

When, Mr. Pennington moved to lay said resolution and the proposed amendment, on the table.

Which motion was carried in the affirmative.

On motion of Mr. Armstrong,

Resolved, That a select committee be appointed to enquire into the expediency of reporting a bill for the protection and encouragement of the growth of sheep, in the county of Dearborn, and to provide more effectually against the ravages of dogs in said county.

Ordered, That Messrs. Armstrong, Guion, Bassett, Pollock and Dumont, be said committee.

Mr. Crume moved the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the propriety of repealing all laws now in force subjecting retailers of spirituous liquors to indictment for selling to persons under the age of twenty-one years.

And on the question to adopt said resolution, the same was decided in the negative.

On motion of Mr. Logan,

Resolved, That the committee on roads be directed to enquire into the propriety of passing a general law on the subject of state roads, so as to prevent hereafter such numerous applications to the legislature on that subject.

On motion of Mr. Wallace, of Jefferson, Mr. Beard was added to the committee on roads.

On motion of Mr. McNary,

Resolved, That the committee on roads be instructed to enquire into the expediency of increasing the number of days' work to be performed by each individual on roads.

The speaker laid before the house the following communication from Benjamin I. Blythe, agent of the three per cent. fund, accompanied by his annual report:

Agent's Office, Indianapolis,
Dec. 11, 1829. }

ROSS SMILEY, Esq.

SIR:—Please lay the within report before the house over which you preside.

Respectfully yours, &c.

B. I. BLYTHE, Ag't thr. pr. ct. fd.

A STATEMENT OF THE SITUATION OF THE THREE PER
 CENT FUND, DECEMBER 1, 1829.

<i>No. of roads.</i>	<i>Road Commissioners.</i>	<i>Apportionment to each road.</i>	<i>Drafts paid.</i>	<i>Balance due.</i>
2	John I. Neely,	6767 38	6767 38	
3	Archibald Campbell,	2708 87	2569 41	139 46
4	Andrew Cavit,	2709 57	2570 16	139 41
5	Isaac Montgomery,	3079 24	2920 71	158 53
6	William M'Cormick,	4928 93 1-2	4177 81	751 12 1-2
7	Michael Buskirk,	4835 01	4211 09 1-2	623 91 1-2
8	Ezekiel Blackwell,	7563 69	7145 54	418 15
9	Richard Beem,	8506 96	7995 02	511 94
10	William Richards,	2674 00 1-6	2199 76 1-6	474 24
11	John G. Clendenin, Cor- nelius Berkshire,	4990 63	4402 25	588 38
12	Samuel Gwathmey,	2712 23	2407 94	304 29
13	John M. Lemon,	3250 80	2829 66	421 14
14	Gara Davis,	3033 80	2828 82	204 98
15	William C. Bramwell,	5750 57	5680 50	70 07
16	Simeon Slawson,	3166 62	2969 72	196 90
17	John Walker,	6333 33	6333 33	
18	David Mount,	3862 44	3591 29	271 15
19	Stanhope Royster,	3875 68	3842 40	33 27
20	John C. Kibby,	4192 75	3932 14	260 61
21	John Way,	2672 56	2506 44	166 12
22	James Blake,	897 36 1-2	897 36 1-2	
23	John Barricklow,	1000 00	1000 00	
24	Franklin F. Sawyer,	437 07 1-2	437 07 1-2	
25	Wabash Fund,	4675 86	147 34	4528 52
26	Robert M'Intire,	441 32 5-6	211 08 5-6	230 24
27	George Ewing,	2423 25	1698 22	725 03
28	James Ball,	1009 37	1009 21	16
29	William Sanders,	1088 35	1088 35	
30	William Conner,	500 00	500 00	
31	William Polk,	114 00	114 00	
32	Reuben Bates, Alason Warner,	1000 00	569 73	430 27

33 Rezin Davis,	873 65	873 65	
34 Chester Elliot,	50 00	50 00	
35 Dennis Ball,	490 00	490 00	
36 Morgan Shortridge, Ze- nas Beckwith, James Scott,	249 00	49 00	200 00
37 James Talbott,	566 77 1-2	207 88 1-2	358 89
38 James McFarland,	500 00	500 00	
39 William P. Rush, James Ardery, John Mc- Pike,	100 00		100 00
40 Adam Shoemaker,	330 00		330 00
41 Jonathan John,	50 00		50 00
42 James Barnett,	250 00		250 00
43 Norman D. Palmer,	250 00		250 00
44 John Denny,	500 00		500 00

\$105411 08

\$91724 29

\$13686 79

Received from the Treasury of the
United States, in June, 1822,

\$32,629 46

May, 1823,

17,857 84

March, 1824,

11,462 73

April, 1825,

10,798 09

May, 1826,

7,176 97

March, 1827,

7,352 54

May, 1828,

8,887 75

July, 1829,

8,902 11

105,067 49

Received from State Treasury, on
account of canal fund, (see acts
of 1828,

2,550 00

107,617 49

Retained to meet agent's commission,

2,248 42

105,369 07

Postage paid Samuel Henderson, up
to May 21st, 1828,

4 14

105,364 93

Appropriated over the sum drawn
from Treasury,

46 15

Apportioned to different roads,

105,411 08

Commissioners' drafts reported last year,	\$88,363 73 9-12	
Drafts since paid and now reported,	3,360 55 3-12	
	<hr/>	91,724 28
Balance that would be on hand, had there been a sum sufficient to meet the appropriations		13,686 79
Appropriated over the sum drawn from Treasury,		46 15
	<hr/>	\$13,640 64
Remaining on hand,		

With respect to the settlements I have made with the state road commissioners, under the act of last session, I have to say that many of them had made charges which I did not conceive myself authorized to allow, and in consequence of which, a balance stands against them on settlement. I will not be able to report on that subject until the legislature determine on those extra charges. I ask a committee to investigate the matter, and lay it properly before the general assembly.

Respectfully submitted,

B. I. BLYTHE,

Ag't 3 per ct. fund.

December 1, 1829.

The said communication and report being read were referred to the committee on roads.

The speaker laid before the house the following communication from Morris Morris, auditor of public accounts, accompanied by his annual report:

AUDITOR'S OFFICE, INDIANAPOLIS, }
December 12, 1829. }

To the Speaker of the House
of Representatives,

SIR: Herewith is laid before you the annual report of receipts and expenditures of the state for the current year.

I am, very respectfully,

Sir,

Your ob't serv't,

MORRIS MORRIS,

Aud. of pub. acc.

AUDITOR'S OFFICE, }
Indianapolis, Dec. 5th, 1829. }

In obedience to the "act, concerning the Auditor of public accounts, and Treasurer of State," the following report of receipts and expenditures on account of the State of Indiana, is respectfully submitted.

There was remaining in the Treasury,
on the 30th day of November, 1828,
provided all claims audited to that
date, were paid,

\$11,323 39

Since the above period,
there has been paid into the
treasury, on account of

balances due for the year	1822,	\$145 47
" " " " "	1823,	806 13
" " " " "	1824,	69 60
" " " " "	1825,	19 52
" " " " "	1826,	144 38
" " " " "	1827,	218 10

From collectors of revenue, for	1828,	27001 86
" " " " "	1829,	2885 08

" Sales of lots in Indianapolis,	3053 81
----------------------------------	---------

" " " seminary lands,	4617 91
-----------------------	---------

" " " lands mortgaged at loan office	271 50
--------------------------------------	--------

" Loans of seminary money refunded,	496 84
-------------------------------------	--------

" Interest on seminary fund,	1394 79
------------------------------	---------

" Estates without heirs,	36 74
--------------------------	-------

" Conscientious fines,	35 87
------------------------	-------

" Superintendent of French Lick,	25 00	
Error in balance heretofore reported,	7 12	41030 72

Making in all,

\$52354 11

Since the above period, there has been audited

For public printing and stationary,	\$2667 00
" Expenses of last general assembly, including pay of members, clerks and door keepers.	11599 82
Salaries of executive officers,	2300 00
" " " Supreme and Circuit Judges	5703 38
" Allowances to probate judges,	18 00
" Salaries of prosecuting Attorneys,	954 50
" " " Adj. & Qr. master genls.	206 25
On account of State seminary,	1942 07
" " " County seminaries,	20 25
" " " Canal fund,	1442 45
" " " Wabash & Miami canal,	1000 00
" " " Michigan road,	1828 64
" " " Seat of government,	2247 49
" " " Specific appropriations,	1618 91
" " " Electors of president &c.	172 30
" " " State Prison,	519 52
" " " State Library,	56 13
" " " Wolf scalps,	546 50
" " " Salt springs,	85 00

Contingent expenses for 1829, per treasurer's report, 394 27

Amount of loans of seminary fund including sales of mortgaged lands upon credit, per treasurer's report, 7070 00

\$42392 48

Making the total am't of expenditures, \$42392 48
Which deducted from 52354 11

\$9961 63

Leaves in the treasury on the 5th of Dec. 1829, provided all claims audited to that date, have been paid off, \$9961 63
The number of polls assessed in all of the counties except Allen, (from which no return has yet been received) for 1829, is 484 54.

The assessments from all the counties in the state (except Allen,) amount to

\$37769 68

From which, deduct for probable delinquencies, commission, and other allowances,	0294 94.
---	----------

Will leave for the treasury,	\$31474 74
------------------------------	------------

Early in March last, the accounts of all the delinquent collectors, not previously sued, were forwarded to their respective counties for collection.

But a very small portion of them has as yet been collected and paid over. But from information received from the prosecuting attorneys, a greater amount will ultimately be secured than could have been reasonably expected.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

Which were read, and referred to the committee of ways and means.

The speaker laid before the house, the following communication from Homer Johnson and John Milroy, superintendents of that part of the National road, which passes through this state, together with the accompanying documents:

INDIANAPOLIS, Dec. 14, 1829.

*The Honorable, the Speaker of the House of Representatives
of the State of Indiana:*

Sir: We have the honor of presenting to you, and through you, to the House of Representatives of our state, two reports, and a letter, explanatory of the same, pertaining to the National road.

Having been appointed superintendents or commissioners of that part of said road located in Indiana, we feel it to be our *duty*, at all times, and it is certainly our wish, to give, not only to the Legislature, but to every citizen of our state, that information, which will enabled him to judge correctly, as to the *manner* of expending, and the *amount* expended by us, its progress, &c.

Enclosed are the reports and letter, all of which is respectfully submitted.

We have the honor, &c.

H. JOHNSON }
JNO. MILROY. } Super's. &c.

INDIANAPOLIS, Dec. 14, 1829.

The Honorable, the Speaker of the House of Representatives of the State of Indiana.

SIR: We have the honor of laying before you, a report of the contracts for cutting and grubbing; and of the progress of the National road in our state.

The amount of contracts for this work, is, as appears by the reports, herewith furnished, as follows, to wit:

For cutting and removing the timber,	\$17,292,00
" Grubbing the centre, 30 feet,	16,597,00

Amount,	\$33,889,00
---------	-------------

Add to this our salary for one year, ending 12th April, 1830,	1,600,00
--	----------

Total amount,	35,489,00
---------------	-----------

This sum, taken from the present appropriation, will leave remaining unexpended, \$14,511 for further operations on the road. Although this calculation may not prove to be *precisely* the amount, it certainly will be *nearly* so.

The work has progressed beyond our most sanguine expectations; about two thirds of the cutting, and perhaps one eighth of the grubbing is done, and but for the unfavorable season, for the last six weeks past, we are confident, that three fourths of the whole work under contract would have been done; and had the weather continued favorable, by the first day of January next ensuing, the whole, or nearly so, of all the contracts would have been finished. In letting out the contracts for cutting and removing the timber from off the road, we spared, on our part, neither trouble nor expense, keeping only the good of the general government, and that of our own state, constantly in view.

In order to excite competition, and do the most and best with the appropriation, we divided the distance through the state, into five sections or districts, *to wit*: Centreville, West-Liberty, Indianapolis, Stiles' and Terre Haute; and advertised for proposals for contracts, at those places; giving ample time between each. After having entered into contracts to cut and remove the timber, the whole distance through the state, with the exception of a few unrelinquished miles, we received from the war department, instructions, authorising us to grub the centre, 30 feet, instead of cutting it; provided the present appropriation would be sufficient to grub the *whole* distance. On the reception of this letter, we made an estimate, and informed the secretary of war, that \$35,000 would cut and remove the timber, and grub the centre, 30 feet, the *whole* distance through the state. The correctness of this estimate, will be seen on examination of our reports.

The grubbing has been let out to the former undertakers, on private contracts, and on good terms. We think we may safely calculate, that the present contracts will be finished by August next. After the present contracts are completed, the road will be prepared for bridging and grading; but the sum remaining of the present appropriation, will be too small to commence this work. We have made some calculations as to bridging and grading; and are of opinion, that unless another appropriation is had, we can only dig down some of the *worst* banks, and improve some of the *worst* places, leaving the road still almost impassable and useless. We hope your honorable body will memorialize congress, to grant an appropriation of 50,000, and likewise instruct the Senators, and request the Representatives, from this state, to use their exertions, to obtain this amount, which, in addition to that now remaining, will enable us to do much next summer. We would suggest, that the road, in the situation in which the

grubbing leaves it, will be utterly impassable, were it owing to nothing else but the deep holes made in digging up the trees and stumps in the centre; but in addition to this difficulty, there are *many* very deep and long ravines, *many* steep banks at streams and other places, that *must* be dug down; *many* streams that *should* be bridged; and *many* low and swampy places, that *must* be raised and ditched, before it can be made a *tolerably* good or even a *passable* road.

The governor, in his message, has recommended the passage of a law, which will enable us to open the road over the lands of some who *have not* relinquished, and others who *will not* relinquish, the right to the United States, to make the road over their land. Although we report but four miles *unrelinquished*, yet there are several under *contract*, that were let out under assurances of relinquishments being obtained; but the owners of the land have refused to relinquish, and the contractors have been compelled to stop their work. We are now anxiously waiting for the passage of this law, that we may *immediately* put *all* the road under contract.

Finally our duties are arduous, attended by danger and expense; but we shall never shrink from them, but use our best exertions in the saving of the money, and expediting the work.

We have the honor to be, &c.

H. JOHNSON, }
JNO. MILROY, } Super's, &c.

REPORT OF SUPERINTENDENTS

Of the Cumberland Road, as to appropriation, amount expended, &c.

Amount of appropriation	\$50,000 00
Amount for cutting and removing timber whole distance through the state,	17,792 00
Amount for grubbing the centre, thirty feet, whole distance through the state,	16,097 00

Superintendents' salary one year, ending on the 12th day of April, 1830,	1,600 00
Total amount of appropriation now under contract, &c.,	35,489 00
Amount of appropriation, yet remaining unexpended,	14,511 00
HOMER JOHNSON, } JOHN MILROY, } Super's, &c.	
Indianapolis, Dec. 14, 1829.	

REPORT OF THE SUPERINTENDENTS

Of the Cumberland Road, in the state of Indiana, as to cutting and removing the timber, and grubbing the centre, thirty feet.

Number of sections or miles in the state of Indiana,	148 3-4
Number of sections under contract for cutting and removing the timber,	141 3-4
Amount of contracts for cutting and removing the timber,	\$17,292 00
Number of sections under contract for grubbing the centre, thirty feet,	141 3-4
Amount of contracts for grubbing the centre thirty feet,	15,597 00
Total amount of contracts for cutting and removing the timber and grubbing the centre, thirty feet,	32,889 00
Number of sections not yet relinquished for the road, to the United States,	4
Supposed amount for the unrelinquished sections, for cutting and removing the timber,	500 00
Number of sections not yet	15

under contract for grubbing the
centre, thirty feet,

4

Supposed amount for grub-
bing the centre, thirty feet, of
the unrelinquished sections,

500 00

Total amount for cutting and
removing the timber: and grub-
bing the centre thirty feet, the
whole distance through the
state,

33,889 00

NOTE. Two miles in Fort Harrison Prairie, and
one mile through the town of Indianapolis, not in-
cluded in this report.

HOMER JOHNSON, }
JOHN MILROY. } *Super's, &c.*

Indianapolis, Dec. 14, 1829.

Which were read and referred to the same select
committee to whom was referred that part of the
Governor's message which relates to the same sub-
ject.

The Speaker also laid before the house, the fol-
lowing communication from the governor, with the
accompanying document:

EXECUTIVE DEPARTMENT, Ind. }
Indianapolis, Dec. 12th, 1829. }

Ross Smiley, Speaker of the House of Representatives.

SIR: I lay before you a report and resolutions
of the General Assembly of Kentucky, on the sub-
ject of a Hospital in said state, for the use of the
house of representatives.

Respectfully Yr. obt. servt.

J. BROWN RAY.

Which were read and referred to the committee
of ways and means.

The Speaker also laid before the house, the following communication from the governor, with the accompanying documents:

EXECUTIVE DEPARTMENT, Ind. }
Indianapolis, Dec. 14th, 1829. }

Ross Smiley, Speaker of the House of Representatives.

Sir: I lay before you for the use of the house of representatives, documents marked A, B, & C, the same being reports and resolutions of the states of Virginia, South Carolina and Georgia, on the subject of the tariff of 1828, internal improvements by the general government, American Colonization society, &c. &c.

I am yr. obt. servt.

J. BROWN RAY.

Which were read, and

Ordered, to lie on the table.

The Speaker also laid before the house the following communication from the governor, with the accompanying document:

EXECUTIVE DEPARTMENT, Ind. }
Indianapolis, Dec. 15th, 1829. }

Ross Smiley, Speaker of the House of Representatives.

Sir; The resolution of the house of Representatives, of yesterday, requesting me to give information, whether any report of the engineer appointed in pursuance of an act of Congress to examine the obstructions in the Wabash river, has been made by the engineer, or furnished by the Secretary of War, and if so, to transmit the same, and to communicate to the house any information, &c. being before me; permit me to reply, that *neither* has been done, and to further state, that the enclosed letter

from the engineer, is the last and the only information in my possession, on the subject.

Respectfully yr. obt. servt.

J. BROWN RAY.

Which were read and referred to the committee on canals and internal improvements.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Evans,

Messrs. Gardner and Jackson of Delaware were added to the judiciary committee during the investigation of the subject of new judicial circuits.

The speaker laid before the house the following report of David Burr, Samuel Hanna and Jordan Vigus, canal commissioners, together, with a memoir of Howard Stansbury, United States civil engineer, and also the accounts and vouchers of said commissioners of the money by them expended.

(See appendix A, at the end of the volume.)

Which were read, and the report and memoir referred to the committee on canals and internal improvements, and the account and vouchers to the committee on claims.

On motion of Mr. Wallace of F,

Ordered, That thirteen hundred copies of the foregoing report, memoir, and account current, be printed for the use of the members of this house.

A message was received from the Senate by Mr. Test their assistant secretary, announcing,

That the Senate has passed an engrossed bill entitled "an act to extend a certain act therein named, to the county of Warren."

In which they desire the concurrence of the house of Representatives.

The bill mentioned in the above message was read the first time and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The joint resolution relative to the Western mail route from Louisville Kentucky to St. Louis in Missouri, was read the second time and ordered to be engrossed for a third reading to-morrow.

The joint resolution on the subject of colonizing the free people of colour was read the second time, and

On motion of Mr. Bassett,

The same was ordered to lie on the table.

The bill to establish a state road from the Jeffersonville state road [on the west side of Silver creek] to the lower falls of Driftwood fork of White river, was read the second time, and

On motion of Mr. Howk,

The same was referred to a select committee.

Ordered, That Messrs. Howk, Hamilton and Jackson of Scott, be said committee.

The engrossed bill entitled, "an act concerning the Farmers' and Mechanics' bank of Indiana," was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill amendatory of the several acts regulating the jurisdiction and duties of justices of the peace, was read the second time, committed to a committee of the whole house, and made the order of the day for Thursday next.

The bill to amend the act, entitled "an act to provide for the incorporation of the county seminary in the county of Clark, approved January 26th, 1827," was read the second time, and

Ordered, to be engrossed for a third reading to-morrow.

The bill to establish a state road from Martinsville by way of Lyon's mill and Mooresville, leading north to the Michigan road, was read the second time; and

On motion of Mr. Kinnard,

The same was ordered to lie on the table.

The bill laying a tax upon sales at auction was read the second time, and committed to a committee of the whole house, and made the order of the day for Monday next.

The bill to establish a state road from Indianapolis to some convenient point on the Ohio river, commonly called the Michigan road, was read the second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The house resolved itself into committee of the whole on the bill in aid of the act to organize probate courts, and to define the powers and duties of executors and administrators, approved January 23d, 1829; and after some time spent therein, the speaker resumed the chair, and Mr. Blake reported said bill with two amendments, which were read at the clerk's table and concurred in by the house.

Mr. Wallace of Franklin, moved to amend said bill by striking it out from the enacting clause, and inserting in lieu thereof, the following, viz. "that the act organizing probate courts, and defining the powers and duties of executors and administrators, approved, January 23d, 1829, be, and the same is hereby repealed; and that the act providing for the settlement of decedent estates, and for other purposes, passed January 26th, 1824, and all acts amendatory thereto, passed in 1825, 6, 7, & 8; be and the same are hereby revived.

Mr. Little moved to recommit said bill to the committee on the judiciary, when Mr. Kinnard moved to lay said bill and proposed amendment on the table; which motion was carried in the affirmative.

And then the house adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DECEMBER 16, 1829.

The house met pursuant to adjournment.

Mr. Jackson of Scott, presented two petitions of sundry citizens of Scott county, praying that measures may be taken to investigate certain alleged abuses in the trustees and teachers of the state college at Bloomington; which were read and referred to the committee on education.

Mr. Kinnard presented a remonstrance of Ede Harding and others, of Marion county, against the relocation of the Michigan road, from Logansport to Indianapolis; which was read and referred to the same select committee to which was referred a resolution of this house, on that subject.

Mr. Conner presented a petition of Campbell Dale, praying an alteration in that part of the state road, leading from Indianapolis to the state line in a direction towards Greenville, in the State of Ohio, which passes through a certain tract of land named in said petition; which was read and referred to the committee on roads.

Mr. Rariden, from the committee on the judiciary to which was referred so much of the governor's message as relates to the sale of real estate upon execution, reported that they have had the same under consideration, and are of opinion that the passage of any law abridging the legal remedies now in force for the collection of debts due one citizen, by another, would be unjust and impolitic; and that

to distinguish between the remedies we afford the citizens of our own state and those of our sister states, if it would not be a violation of good faith towards our sister states; it would at least shew a sensibility in little matters, unworthy of the character of Indiana, as they are not aware that any such distinction is known to the laws of any sister state; which was read, and

On motion of Mr. Kinnard,

Ordered, to lie on the table.

Mr. Johnston of K, from the committee on the judiciary, to whom was referred the petition of Redden Chance, for an exemption from taxation as a pedler, reported —

That however much your committee, as individuals, commiserate the unfortunate situation of the petitioner, yet they consider the example thus set, by exempting an individual from the operations of a general law, would be highly dangerous to correct legislation; and that therefore the prayer of the petitioner ought not to be granted.

Which was read and concurred in by the house.

Mr. Hall, from the committee on the judiciary, to which was referred a resolution of this house on the subject of requiring the judges of the supreme court to give their opinion in writing on every error before them, reported a bill to amend "An act organizing the supreme court, and defining its powers and duties:"

Which was read the first time, and passed to a second reading to-morrow.

Mr. Johnston of K. from the committee on the judiciary, to whom was referred the resolution instructing them to enquire into the propriety of allowing county commissioners, or boards doing county business, power to vacate streets and alleys, or such parts of the same as they may consider useless, where such vacation will not effect the rights of individuals, reported—that they have had the

same under consideration; and conceive the authority proposed to be conferred upon the boards of justices or county commissioners, would materially interfere with private and vested rights; and they cannot suppose any case of the vacation of streets or alleys in a town, where the rights of individuals will not be affected: Wherefore, your committee believe, that conferring such authority would be improper and inexpedient.

Which report was read and concurred in by the house.

Mr. Kingsbury, from the committee on the judiciary, to whom was referred a resolution instructing them to enquire into the expediency of providing by law, that a party on applying and moving for a continuance, on account of the absence of a witness, whom he supposes to be material in his cause, shall file an affidavit in writing, under his hand, naming the supposed absent witness, mentioning the cause wherefore he has not provided him or his deposition, and inserting the facts he expects the witness will testify, and the grounds of such expectation, reported—that they have had the same under their consideration, and have come to the conclusion that it is unnecessary to legislate on that subject.

Which report was read, and concurred in by the house.

Mr. Kingsbury, from the judiciary committee, to whom was referred a resolution respecting a uniform mode of doing county business throughout the state, reported—that they have had the same under consideration, and are of opinion that although it is desirable that the mode of doing county business should be uniform throughout the state, yet, as each mode has its friends, and that no great inconvenience results from the present systems, the committee at this time, deem it inexpedient to legislate on the subject.

Which report was read and concurred in by the house.

Mr. Wallace, of Franklin, from the committee on the judiciary, to which was referred the petition of Lamford White and others, reported—that they deem it inexpedient and improper to legislate upon the subject:

Which was read; and,

On motion of Mr. Pennington,

Ordered to lie on the table.

Mr. Herod, from the committee on the judiciary, to which was referred a resolution of this house on the subject of amending the law organizing boards of county justices so as to allow to each of said justices a sum, per diem, not exceeding two dollars, during the time they are engaged at each term, not exceeding three days, reported—that it is inexpedient to legislate upon the subject at this time:

Which was read and concurred in by the house.

Mr. Johnston, of K. from the committee on the judiciary, to which was referred so much of the governor's address as respects jurisdiction, reported a bill "regulating and explaining jurisdiction:"

Which was read the first time, and passed to a second reading to-morrow.

Mr. Johnston, of K. from the same committee, to which was referred so much of the governor's message as respects special courts, reported—that although some inconvenience in a few cases may probably result by delay, under the present system of jurisprudence; yet, your committee believe, that much evil might result from adopting the change recommended by the governor; especially at this time: therefore, the measure is deemed by them inexpedient: which was read; and,

On motion of Mr. Dumont,

Ordered to lie on the table.

Mr. Hall, from the judiciary committee, to which was referred so much of the governor's message as

respects gambling, reported—that they have had the same under consideration, and are of opinion, that further legislation on that subject is inexpedient; the laws now in force, in the opinion of your committee, being amply sufficient.

Which report was read, and concurred in by the house.

Mr. Pennington, from the committee on roads, to which was referred a resolution of this house, on the subject of the Michigan road, reported—that the same subject has been taken from said committee by the introduction of a bill, now before the house: therefore they pray to be discharged from any further consideration of the matter.

Which report was read and concurred in by the house; and the said committee discharged from the further consideration thereof.

Mr. Pennington, from the same committee, to which was referred a resolution of this house, on the subject of the national road, reported—that the same subject had been referred to a select committee: they therefore pray to be discharged from the further consideration thereof.

Which report was read and concurred in by the house: and said committee was discharged from the further consideration thereof.

Mr. Pennington, from the same committee, to which was referred a bill to relocate part of the state road from Vincennes to Spencer, reported the same without amendment.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. Blake, from the committee on canals and internal improvements, to whom was referred the report of Jeremiah Sullivan, and the compact made by him with the commissioner appointed on the part of the state of Ohio, in relation to the Wabash and Miami canal, made a report, accompanied by a joint resolution ratifying the compact between the

states of Ohio and Indiana, in pursuance of an act of Congress of the 24th of May, 1828:

Which was read the first and second times, the rules of the house having first been dispensed with, and laid on the table.

On motion of Mr. Wallace, of F.

Ordered, That thirteen hundred copies of said report and joint resolution be printed for the use of the members of this house.

Mr. Bassett, from the select committee, to which was referred the petition of Pinkney James and others, reported a bill to incorporate the Rising Sun Seminary Society:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Johnston, of Knox, from the select committee, to which was referred that part of the governor's message respecting the presidential election; and also two joint resolutions on the same subject, reported a joint resolution respecting an amendment to the constitution of the United States:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hall, from the select committee, to which was referred a resolution of this house on that subject, reported a bill establishing a state road therein named, and for other purposes:

Which was read the first time and passed to a second reading to-morrow.

Mr. Logan, from the select committee, to which was referred the petition of Elisha Denny and others, reported a bill to amend the act entitled "an act authorising the lease of Royce's and Rock Lick reserves, in the county of Washington," approved January 27, 1828:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Stewart, from the select committee to which was referred the petition of John McIntire and oth-

ers, reported a bill legalizing the proceedings of the board of justices of Pike county:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Long, from the select committee to which was referred the petition of John Elliott and others, reported a bill concerning claims in the county of Henry:

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Blake,

Resolved, That the committee to which was referred the report of the superintendents on the Cumberland road, be further instructed to report a memorial to congress, for an additional appropriation of money to construct bridges on the same, that it may be made passable throughout.

On motion of Mr. Herod,

Resolved, That the committee to which was referred so much of the governor's message as recommends a memorial to the general government, asking an appropriation of a portion of the public lands to improve the navigation of the two White rivers, and the Wabash, be requested to inquire into the expediency of soliciting congress to grant to the state of Indiana, a section of land, lying in said state, for each mile of the length of the Wabash, from the mouth of the Tippecanoe river downwards to its mouth; and also a section of land for each mile of each of the White rivers, from the highest point at which they are declared navigable, below to their junction; and from thence to the Wabash; to be applied to the improvement of the navigation of said rivers; and selected by the state in the land districts in which said rivers are, out of any of the public lands remaining unsold.

On motion of Mr. Kinnard,

Resolved, That a committee be appointed to enquire into the expediency of memorializing the con-

gress of the United States, in favor of an appropriation for extinguishing the Indian title to lands within this state, and for removing the Indians within our limits, beyond the Mississippi.

Ordered, That Messrs. Kinnard, Howk, Rariden, Boon, Hall, Moyer, Parks, and Davis of A., be said committee.

Mr. Morrison moved the following resolution:

Resolved, That the senate be requested to meet this house in their hall, on this day at two o'clock, P. M. for the purpose of electing three commissioners of the Wabash and Miami canal, pursuant to the act on that subject, approved January 5th, 1828:

Which was read; and

Ordered to lie on the table.

On motion of Mr. Read,

Resolved, That the judiciary committee be instructed to enquire into the expediency of establishing by law a form of a deed, to be given by collectors to purchasers of lands for taxes.

On motion of Mr. Finley,

Resolved, That the committee of ways and means be directed to enquire into the expediency of allowing by law, further time for the redemption for lands hereafter to be sold for taxes.

On motion of Mr. Pollock,

Resolved, That the committee to whom was referred that part of the governor's message, which relates to asylums for the poor, be instructed to enquire into the expediency of laying off the state into three, four, or more divisions, and to have erected in each, shitable houses, on lots of land, for their support and convenience.

On motion of Mr. Pennington,

Resolved, That the committee on the judiciary be instructed to enquire into, and report upon the expediency of so amending the practice act, as to make the return days, of process and executions on the first day of each term.

On motion of Mr. Levenworth,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of establishing one or more hospitals at some convenient point or points in this state, on the Ohio river, for the reception of sick water-men.

On motion of Mr. Little,

Resolved, That the committee on the judiciary, be instructed to enquire into the expediency of fixing on some day certain, that all laws and joint resolutions shall take effect, except, in case of emergency.

Mr. Leviston moved the following resolution, viz:

Resolved, That the judiciary committee be requested to enquire into the expediency of providing by law, that the several boards doing county business within this state, shall be required to furnish the several justices of the peace in their respective counties, with suitable docket books, at the expense of the proper county.

The said resolution being read, and the question being put, shall the same be adopted? It was decided in the negative.

On motion of Mr. Rariden,

Resolved, That the agent of state, for the town of Indianapolis, be requested to report to this house the amount of money collected by the agency, for trespasses on the donation, belonging to the state; the amount of rents of unsold lots and land rented by said agency, of whom the same was received, and at what time, since the beginning of the year 1824.

On motion of Mr. Reiley,

Resolved, That the committee on canals and internal improvements, be discharged from the further consideration of all matter relative to the obstructions in the navigation of the Wabash river, and that the same be referred to a select committee, with leave to report by bill, memorial or otherwise.

Ordered, That Messrs. Reiley, Johnston of Knox, Hall, Boon and Casey, be that committee.

On motion of Mr. Hendricks,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the militia law, as to require commanders of companies, to cause written notices to be given to the several militia men within the bounds of their companies, of the times and places where military service is required.

On motion of Mr. Parks,

Resolved, That the committee on canals and internal improvements, be requested to enquire into the expediency of employing some suitable person to examine and report to the next general assembly the expediency, practicability and probable expense of removing the obstructions to the navigation of the east fork of White river, at the places commonly known by the name of Doherty's shoals, and Hindostan.

On motion of Mr. Herod, the resolution presented by him on yesterday, was taken up, which resolution reads as follows:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reducing the poll tax, for state purposes, thirty-three and one third per centum.

And the question recurring on the motion of Mr. Noble, to amend said resolution, by striking out the word "*reducing*," and inserting in lieu thereof, the word "*increasing*," and a division of the question being called for by Mr. Evans, the question was taken on striking out the word "*reducing*;" which was decided in the negative.

The question being then put, shall said resolution be adopted.

And the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bence, Blake, Boon, Brown, Casey, Dixon, Dumont, Evans, Gardner, Guion, Hamilton, Hendricks, Herod,

Hillis, Hussey Jack, Jackson of D. Johnston of K. Johnston of T. Kinnard, Levenworth, Long, McNary, Pollock, Read, Reiley, Smith and Smiley, Speaker.—30.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Coffin, Conner, Crume, Davis, of A., Davis, of S., Fuley, Fite, Hall, Hoover, Jackson, of S., Jones, Ketcham, Kingsbury, Leviston, Little, Logan, Morrison, Moyer, Noble, Pabody, Parks, Pennington, Polke, Slaughter, Stewart, Wallace, of F and Wallace, of J.—29

An so said resolution was adopted.

On motion of Mr. Levenworth,

Mr. Beard was added to the select committee to which was referred a resolution of this house on the subject of relocating the Michigan road, from Logansport to Indianapolis.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Beard, after having obtained leave, presented a bill to incorporate the Crawfordsville seminary; which was read the first time, and passed to a second reading to-morrow.

Mr. Fite, after having obtained leave, presented a bill supplemental to an act, to prevent trespassing by cutting of timber, approved January 21st, 1818: which was read the first time and passed to a second reading to-morrow.

Mr. Davis of Shelby, after having obtained leave, presented a bill to repeal an act, entitled "an act to incorporate the townships in Shelby county; which was read the first time, and passed to a second reading to-morrow.

The speaker laid before the house, the following communication, from the governor:

EXECUTIVE DEPARTMENT, Ind. }
Indianapolis, Dec. 16th, 1829. }

Ross Smiley, Speaker of the House of Representatives:

Sir: I lay before you, for the use of the house of representatives, some resolutions of the state of Missouri, on the subject of the presidential election; and also a report and resolutions of the same state, on the subject of the American Colonization Society, denying the power of the general government to appropriate monies for its use.

Your obt. servt.

J. B. RAY.

Which communication, together with the accompanying documents, was read, and

On motion of Mr. Bassett,

The same was ordered to lie on the table.

The house then, proceeded to consider the orders of the day.

The bill supplemental to the act, entitled "an act to establish a road from Levenworth, by way of Bono, to Indianapolis, was read the second time and ordered to be engrossed and read a third time, to-morrow.

The engrossed bill to extend a certain act therein named, to the county of Warren, was read the second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The engrossed bill, from the senate, entitled, an act, legalizing the proceedings relating to a change in the state road leading from Owensville in Gibson county, to Cynthiana, in Posey county, was read the second time, and passed to a third reading to-morrow.

The engrossed joint resolution, relative to the western mail route, from Louisville, Ky. to St. Louis, in Missouri, was read the third time and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence.

The engrossed bill to amend the act entitled "an act to provide for the incorporation of a county seminary in the county of Clark, approved January 26th, 1827," was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate, and ask their concurrence.

The house resolved itself into a committee of the whole, on the bill, for the relief of Claudius G. Brown, and after some time spent therein, the speaker resumed the chair, and Mr. Hillis reported said bill with one amendment; which was read at the clerk's table, and concurred in, by the house.

On motion of Mr. Evans,

The said bill was ordered to lie on the table.

A message was received from the senate by Mr. Test, their assistant secretary, announcing:

That the senate have passed engrossed bills, entitled as follows, viz:

An act relative to the official bonds of certain officers therein named.

An act amendatory of an act, authorizing the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington, approved, January 7th, 1829.

An act to relocate a part of the state road, leading from the Ohio line, by Abington, and Waterloo, to Connersville.

The senate has also passed an engrossed memorial, of the general assembly of the state of Indiana, to the Congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash, and White river, with its branches, and of improving the great western mail route from Louisville, Ky. through New Albany, Paoli, Mount Pleasant, and Washington, to Vincennes. In which

acts and memorial the senate request the concurrence of the house of representatives.

The said engrossed bills and memorial mentioned in said message were severally read the first time, and passed to a second reading to-morrow.

The house resolved itself into a committee of the whole, on the bill for the relief of Zachariah Skelton, and after some time spent therein, the speaker resumed the chair, and Mr. Pennington reported the same, with one amendment, which was by striking it out from the enacting clause; which, said amendment, was concurred in by the house, and

On motion of Mr. Evans,

The said bill was ordered to lie on the table.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 17, 1829.

The House met pursuant to adjournment.

Mr. Hendricks presented a petition of Jonathan Richason and others, citizens of Franklin and Decatur counties, praying the location of a state road, commencing at George Cline's, on the Brookville state road, in the county of Franklin, and running so as to intersect the state road from Indianapolis to Lawrenceburgh, on the west side of Flat Rock:

Which was read, and referred to the same select committee, to which was referred another petition on the same subject.

Mr. Kinnard presented a petition of Samuel McCormack and others, of Marion county, praying that a part of the three per cent. fund may be appropriated to the construction of a bridge across Fall Creek, on the road from Indianapolis to Crawfordsville and Lafayette:

Which was read, and referred to a select commit-

tee of Messrs. Kinnard, Crume, Beard, Johnston of T. and Hussey.

Mr. Read, from the committee of ways and means, to which was referred the communication on the subject of the Cumberland hospital at Smithland, in the state of Kentucky, reported a joint resolution relative to the Cumberland hospital:

Which was read the first time, and passed to a second reading to morrow.

Mr. Read, from the same committee, to which was referred so much of the governor's address as respects agriculture, mechanics and arts, reported, that they have had the same under consideration, and are of opinion that legislation on those subjects is, at this time, unnecessary:

Which report was read, and concurred in by the house.

Mr. Read, from the same committee, to which was referred a resolution of this house, on the subject of so amending the law regulating public ferries as to compel ferry-keepers to cross all persons liable to do military duty in going to, and returning from musters, free of charge; and to allow said ferry-men compensation therefor out of the fund arising from fines against delinquents, reported, that they deem it inexpedient to legislate, at this time, on that subject:

Which report was read, and concurred in by the house.

Mr. Boon, from the committee on claims, to which was referred the petition of James Devin, collector of the state and county revenue for the county of Gibson, for the year 1828, praying that an allowance be made to him of \$12.36 for ten thousand and sixty acres of second rate land, with which he was improperly charged, and paid into the state treasury, reported, that they have had the same under consideration, and are of opinion the above

amount should be allowed; and therefore, recommend the adoption of the following resolution, viz:

Resolved, That the committee of ways and means be and they are hereby instructed to allow to James Devin, twelve dollars and thirty-six cents, as set forth in the above report, in the specific appropriation bill.

And the committee further report, that they have had the petition of Heli Kendall under their consideration, and deem it inexpedient to grant the prayer of the petitioner at this time:

Which report was read, and concurred in by the house.

Mr. Pennington, from the committee on roads, to which was referred a resolution of this house instructing said committee to enquire into the expediency of appropriating five hundred dollars on that part of the Brookville state road that lies west of Rushville, to the town of Indianapolis, to be paid out of the three per cent. fund, reported that a majority of said committee are of the opinion that it is not advisable to legislate on that subject, at this time.

Which report being read, the same was,

On motion of Mr. Noble,

Ordered to lie on the table.

Mr. Stewart, from the select committee to which was referred the petition of Martha McBride, praying to be divorced from her husband, Daniel McBride, reported a bill for the relief of the said Martha McBride:

Which was read the first time; when,

Mr. Ketcham moved to reject said bill;

And the ayes and noes being required by two members,

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Boon, Conner, Dumont, Finley, Fite, Hamilton, Hoover, Howk, Johnston of K., Johnston of T., Jones, Ketcham, Kinnard, Leviston, Long, Moyer, Noble, Pabody,

Parks, Polke, Pollock, Kariden, Reiley, Smith, Wallace of F., and Smiley, *Speaker*—28.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Blake, Brown, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Evans, Gardner, Guion, Hall, Hendricks, Herod, Hillis, Hussey, Jack, Jackson of D., Jackson of S., Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Pennington, Read, Slaughter, Stewart, and Wallace of J.—33.

And so said motion was decided in the negative.

The said bill was then

Ordered to a second reading to-morrow.

On motion of Mr. Beard,

The following preamble and resolution were adopted, viz:

WHEREAS, an appropriation of the three per cent fund, to the amount of one hundred thousand dollars, has been made and expended principally within the older counties of this state: And whereas, the beneficial effects of such expenditure furnish an argument in favor of appropriating the remaining, and comparatively small balance of that fund now on hand, and including that of the ensuing year, upon roads leading through the new counties. Inadequate as would be such portion of this fund to meet the numerous wants of the new counties; yet the proposed expenditure of it, would be the means of extending and uniting our new settlements, and of increasing the population of the state. This policy seems to be strengthened by the consideration, that the three per cent. fund, which will hereafter accumulate, as well as a great portion of what has been heretofore expended, has been derived from the new counties, and that consequently be a measure of justice to them.

Therefore,

Resolved, That the committee on roads be request;

ed to enquire into the expediency of reporting a bill, calculated to carry into effect the object stated in the foregoing preamble.

On motion of Mr. Logan,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of revising the laws of the state of Indiana.

On motion of Mr. Levenworth,

Resolved, That the committee on the judiciary enquire into the law regulating the issuing of executions in cases in which property levied upon may be claimed by a third person, appeals taken and decisions had in favor of the execution plaintiff; and if the law confines the execution plaintiff to the property first levied upon; and upon failure of the process property being delivered up to the proper officer, then to prosecute upon the bond; that they consider the expediency of so altering the law as to authorise the execution in such cases to be issued generally against the property of the execution defendant; and the proper officer to make the money out of any property he can find belonging to the execution defendant.

On motion of Mr. Dumont,

Mr. Hussey was added to the select committee to which was referred a resolution of this house, on the subject of the practice of physic.

On motion of Mr. Davis of S.,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace, as to require appeals to the circuit court to be carried up by the proper constable, allowing him adequate fees for such services.

On motion of Mr. Brown,

Resolved, That the auditor of public accounts be requested to lay before this house a statement of the number of acres of first, second and third rate

land, subject to taxation in each and every county in this state.

On motion of Mr. Hoover,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of providing by law for the erection of asylums for the poor in each county in the state, whenever the board doing county business may think it convenient so to do.

Mr. Pennington, after having obtained leave, presented a bill repealing the act respecting certain property in the county of Spencer:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Pollock, after having obtained leave, presented a bill supplemental to the act entitled "An act to provide for a more certain return of the votes for governor and lieutenant governor;" approved January 31st, 1825:

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Evans,

The bill for the relief of Claudius G. Brown, was taken up: When,

Mr. Evans moved to reconsider the vote of this house, concurring in the amendment to said bill, made in committee of the whole on yesterday; which amendment was, by directing the sum of money, mentioned in the provisions of said bill, to be paid out of the "Knox county treasury," instead of the "college fund:"

Which motion was carried in the affirmative.

The question then recurring, "Will the house agree to said amendment, made in the committee of the whole?" the same was decided in the negative.

Mr. Evans then moved to amend said bill, by adding after the words "college fund," the following, *to wit*: "To be reimbursed out of the funds of the Knox county seminary, whenever there are found

sufficient funds for that purpose in the hands of the treasurer of said seminary." When,

Mr. Bassett moved to recommit said bill to a select committee, with instructions to amend the same, so that the claims of the said Brown should be paid out of the state treasury, under proper restrictions.

Mr. Brown then moved to indefinitely postpone the further consideration of said bill,

And the ayes and noes being required by two members.

Those who voted in the affirmative, are—

Messrs. Brown, Fite, Hall, Jackson of D., Long, McNary, Rariden and Smith—8.

And those who voted in the negative, are—

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Boon, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hamilton, Hendricks, Herod, Hillis, Hoover, Hawk, Hussey, Jack, Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Morrison, Moyer, Noble, Pabody, Parks, Pennington, Polke, Pollock, Read, Reiley, Slaughter, Stewart, Wallace of F., Wallace of J., and Smiley, Speaker—52.

And so said motion was decided in the negative.

The question then recurring on the motion of Mr. Basset,

And the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are—

Messrs. Armstrong, Bassett, Beard, Bell, Blake, Coffin, Davis of A., Dumont, Evans, Gardner, Guion, Hamilton, Hillis, Hussey, Jackson of S., Johnston of K., Johnston of T., Ketcham, Kingsbury, Levenworth, Moyer, Pabody, Parks, Pollock, Reiley, Slaughter, Stewart and Wallace of J.—28.

And those who voted in the negative, are—

Messrs. Boon, Brown, Casey, Crume, Davis of S., Dixon, Finley, Fite, Hall, Hendricks, Herod, Hoover, Jack, Jackson of D., Jones, Kinnard, Leviston, Little, Logan, Long, McNary, Morrison, Noble, Pennington, Polke, Read, Smith, Wallace of F., and Smiley, *Speaker*.—29.

And so said motion was decided in the negative.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment,

And resumed the consideration of the bill for the relief of Claudius Brown: when,

Mr. Evans moved to recommit said bill to a select committee:

Which motion was carried in the affirmative.

Ordered, That Messrs. Evans, Johnston of K., Reiley, Boon and Hall, be said committee.

On motion of Mr. Evans,

The bill for the relief of Zachariah Skelton was taken up; when,

Mr. Evans moved further to amend the same, by adding after the enacting clause, the following, viz:

“That the court of probate of Warrick county, be and they are hereby empowered, after being first satisfied of the correctness of said sale, and of the equitable claim of said Zachariah Skelton to the fee simple of said tract of land, to appoint some suitable person or persons, as commissioner or commissioners, to convey the same to the said Zachariah Skelton, his heirs or assigns, in the same manner that the said administrator might and ought to have done, provided any other person had become the purchaser.” And,

On motion of Mr. Slaughter,

The said bill and proposed amendment were ordered to lie on the table.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate has passed an engrossed bill entitled "an act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured."

In which they request the concurrence of the house of representatives.

The said engrossed bill was read the first time and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The bill to repeal the act entitled "an act to incorporate the townships in Shelby county;"

The bill to incorporate the Crawfordsville seminary;

The bill concerning claims in the county of Henry;

The bill legalizing the proceedings of the board of justices of Pike county;

The bill to amend the act entitled "an act authorizing the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington, approved January 7th, 1828;"

The bill establishing a state road therein named, and for other purposes;

The bill to incorporate the Rising Sun seminary society;

The bill explaining and regulating jurisdiction;

And the bill to amend the act entitled "an act organizing the Supreme court, and defining its powers and duties, approved, January 2d, 1824.

Were severally read the second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the senate, entitled "an act to relocate a part of the state road, leading from the Ohio line, by Abington and Waterloo to Conersville," was read the second time and ordered to a third reading to-morrow.

The bill supplemental to an act, to prevent trespassing by cutting of timber, approved January 21st, 1818;

The joint resolution respecting an amendment to the constitution of the United States;

The engrossed bill, entitled an act relative to officers' bonds therein named, and for other purposes;

The engrossed bill from the senate, entitled, "an act amendatory of an act authorising the leasing of Royce's lick and Rock lick reserves, in the county of Washington, approved January 7th, 1828; and

The engrossed memorial to the Congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches; and improving the great western mail route from Louisville, Ky., through New Albany, Paoli, Mount Pleasant and Washington to Vincennes, were severally read the second time and committed to a committee of the whole house, and made the order of the day for tomorrow.

The engrossed bill supplemental to the act entitled "an act to establish a state road from Leavenworth by way of Bono, to Indianapolis; and

The engrossed bill to relocate part of the state road leading from Vincennes to Spencer, in Owen county, were severally read the third time, and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the Senate, and ask their concurrence.

The engrossed bill from the Senate, entitled an act, legalizing the proceedings relating to a change in the state road leading from Owensville, in Gibson county, to Cynthiana in Posey county, was read the third time, and ordered to lie on the table.

The house resolved itself into a committee of the whole, on the bill, to amend the act entitled an act for the appointment of county surveyors, and their deputies; approved, January 30th, 1824;

And after some time spent therein, the speaker resumed the chair, and Mr. Boon reported said bill

with one amendment, which was, by striking it out from the enacting clause: which said amendment was concurred in by the house.

On motion of Mr. Boon,

The further consideration of said bill was indefinitely postponed.

And then the house adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, DECEMBER 18th, 1829.

The house met pursuant to adjournment.

Mr. Hendricks presented a petition of Andrew Davison and others, citizens of Decatur county, praying that a law may be passed regulating the practice of medicine; which was read and referred to the same select committee, to which was referred a resolution of this house, on the same subject.

Mr. Long presented a petition of sundry citizens of Shelby and Hancock counties, praying an alteration in that part of the state road leading from Shelbyville, by way of Marion, Greenfield, and Andersontown, to its intersection with the Fort-Wayne road, which lies between Doct. David Tracy's and the town of Greenfield, which was read and referred to a select committee of Messrs. Long, Conner and Davis, of S.

Mr. Herod, from the judiciary committee to which was referred a resolution of this house, instructing said committee to enquire into the expediency of so amending the 19th section of the act regulating the jurisdiction and duties of justices of the peace, approved January 30th, 1824, that in no case shall a scire facias issue against the replevin bail, until after the principal shall have been prosecuted to insolvency, reported—that they are not aware that

the law upon this subject is insufficient; they therefore deem further legislation upon that subject, unnecessary; which, said report, being read, the same was,

On motion of Mr. Noble,

Ordered to lie on the table.

Mr. Bassett, from the committee on education, to which was referred a resolution of this house, directing them to enquire into the expediency of passing a law directing an equal distribution of the proceeds of the sales of the sixteenth section, given for the purpose of supporting schools, in the several townships in this state; also, two several resolutions relative to so much of the governor's message as refers to the civil code, and so much of said message as refers to habitual drunkenness and *titles*, reported, that they have had the same under their consideration, and deem it inexpedient to legislate on those several subjects at this time. He further reported, that the said committee have had under their consideration, two several resolutions of this house, relative to so much of the governor's message as refers to *Indians* and *Colonization*, and are of opinion, that inasmuch as the subject matter of those two last mentioned resolutions are already before the house; they deem it unnecessary to make any further report thereon. They therefore ask to be discharged from the further consideration of the aforesaid resolutions.

Ordered, That said committee be discharged from the further consideration of said subjects.

Mr. Bassett, from the same committee, further reported, that they have also had under their consideration, the several petitions and documents referred to them, by this house, relative to the Indiana College, at Bloomington; and that they are unanimously of opinion, that the charges and complaints, as set forth in said petitions, against the trustees and faculty of said college, are wholly groundless, and

without any foundation in truth or evidence, to support them; they therefore, request to be discharged from any further consideration thereof.

The above report being read, the same was concurred in by the house.

Ordered, That the said committee be discharged from the further consideration of the above subjects.

Mr. Little, from the committee on roads, to which was referred the petition of Walter Pennington, reported a bill for the relief of the said Walter Pennington, and for other purposes; which was read the first time, and passed to a second reading to-morrow.

Mr. Pennington, from the same committee to which was referred a petition of sundry citizens on that subject, reported a bill to open a state road from Raccoon ford in Parke county, to Fort Wayne, in Allen county;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Bassett, from the select committee to which was recommitted the joint resolution on the subject of graduating the price of public lands, and granting the refuse to actual settlers, reported said resolution, with one amendment. Which was read at the clerk's table, and agreed to by the house.

Ordered, That the joint resolution be engrossed, and read a third time to-morrow.

Mr. Hamilton, from the select committee, to which was referred a resolution of this house on that subject, reported a bill to amend the act relative to crimes and punishments;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Brown, from the select committee, to which was referred a petition on that subject, reported a bill to establish a road from Middletown, in Shelby county, by way of Moscow, in Rush county, to inter-

sect the Brookville state road, at or near Erasmus Aldridge's:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Jackson, of Scott, from the select committee, to which was referred a petition of Harvey Burch and others, reported a bill, altering the line dividing Jefferson and Scott counties:

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Rariden,

The resolution on the subject of the descent of the real estate of Indians, was taken up and adopted by the house.

On motion of Mr. Rariden,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to investigate the books and accounts of the agent of state at Indianapolis, and to report to this house a detailed account of the state fund derived from the sale of lots and land of the donation of Indianapolis, with an account current of the receipts and expenditures of said agency from its commencement.

On motion of Mr. Logan,

Resolved, That the committee on military affairs be requested to enquire into the propriety of reporting a bill to this house, amending the militia law, so as to require all persons who may have public arms in their possession, where companies may have been dismissed or dissolved, to deliver said public arms to the commandants of the respective regiments to which the several persons respectively belong, on or before the first day of October next: and that the commandant of any regiment, where such public arms may be in the bounds of his regiment, shall give at least fifteen days notice, for the delivery of said public arms to him, the said commandant of such regiment. Any person who may have such public arms in their possession, and refuse or ne-

glect to make such delivery, shall forfeit and pay a certain penalty for such neglect or refusal.

On motion of Mr. Long,

Resolved, That the public printer be instructed to print thirteen hundred copies of the report made to this house by the superintendents of the Cumberland road, for the use of the members of this house; and that the committee to which said report was referred be instructed to furnish said printer with the same.

On motion of Mr. Gardner,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of extending the times of holding the circuit courts in Vermillion county.

On motion of Mr. Hall,

Resolved, That the judiciary committee be instructed to enquire into the expediency of making it lawful for widows to make improvements on wild and uncultivated lands assigned as dower.

On motion of Mr. Jackson of D.,

Resolved, That a select committee of three be appointed to enquire into the expediency of extending the navigation of the Mississinewa, to the mouth of the Little Mississinewa.

Ordered, That Messrs. Jackson of D., Long and Davis of A., be said committee.

On motion of Mr. Leviston,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace, as to make it the duty of justices of the peace to issue the writ of *capias ad satis faciendum* in the first instance, for the fines and costs by them hereafter issued against all persons who may by them be adjudged guilty of breaches of the peace, unless the same be immediately paid or replevied: And, also, to enquire into the expediency of amending the afore recited act, so as to give justices of the peace power to punish by fine or im-

prisonment in the county jail, for contempt of their respective courts.

On motion of Mr. Kinnard,

Resolved, That the committee of ways and means be requested to enquire into the expediency of making it the express duty of boards doing county business, to reduce the taxes on objects of county revenue, whenever there shall be an overplus in the county treasury of any county, over and above the necessary and ordinary expenditures of such county.

On motion of Mr. Finley,

The joint resolution on the subject of colonizing the free people of color, was taken up; When,

Mr. Finley moved to amend the same, by adding at the end thereof, the words following:

“And that his excellency, the governor, be requested to transmit a copy of the foregoing preamble and resolution, to each of our senators and representatives in congress:”

Which motion was carried in the affirmative.

The said joint resolution was then ordered to be engrossed, and read a third time to-morrow.

Mr. Leviston, after having obtained leave, presented a bill to repeal part of the act entitled “An act regulating the manner of doing county business in certain counties therein named; and also, to elect township officers;” approved January 26th, 1827:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Noble, after having obtained leave, presented a bill to amend an “act regulating the interest of money in the state of Indiana;” approved January 21, 1818:

Which was read the first time, and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The bill for the relief of Martha McBride was read the second time; when,

Mr. Boon moved to postpone the further consideration thereof, indefinitely;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Boon, Crume, Dixon, Dumont, Finley, Fite, Hoover, Howk, Johnston of T., Jones, Ketcham, Leviston, Long, Noble, Parks, Polke, Pollock, Rariden, Wallace of F., and Smiley, *Speaker*—22.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Blake, Brown, Casey, Coffin, Conner, Davis of A., Davis of S., Evans, Gardner, Guion, Hall, Hamilton, Hendricks, Herod, Hillis, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Kingsbury, Kinnard, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Pennington, Reiley, Slaughter, Smith, Stewart, and Wallace of J.—38.

And so said motion was decided in the negative.

Mr. Rariden then moved to commit said bill to a committee of the whole house, and make it the order of the day for Monday next:

Which motion was decided in the negative.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

The joint resolution relative to the Cumberland hospital;

The bill repealing the "act respecting certain public property in the county of Spencer;" approved January 14th, 1824; and

The bill supplemental to an act entitled "An act to provide for a more certain return of the votes for governor and lieutenant governor; were severally read the second time, and

Ordered to be engrossed, and read the third time to-morrow.

The engrossed bill from the senate, entitled "An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured," was read the second time, and committed to a committee of the whole house, for to-morrow.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The engrossed bill to incorporate the Rising Sun Seminary Society;

The engrossed bill concerning claims in the county of Henry;

The engrossed bill to incorporate the Crawfordsville Seminary;

The engrossed bill amendatory to an act entitled, "An act authorizing the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington;" approved January 7th, 1828;

The engrossed bill explaining and regulating jurisdiction;

The engrossed bill to repeal an an act entitled an act to incorporate the townships in Shelby county;

The engrossed bill to amend an act entitled an act organizing the Supreme court, and defining its powers and duties, approved January 2d, 1824;

The engrossed bill establishing a state road therein named, and for other purposes; and

The engrossed bill legalizing the proceedings of the board of justices of Pike county, were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry the same to the senate and ask their concurrence therein.

The speaker laid before the house, the following

communication from Ebenezer Sharpe, Agent of State for the town of Indianapolis.

AGENT'S OFFICE, Dec. 17, 1829.

The Hon. the Speaker of the House of Representatives;

The agent of state, for the town of Indianapolis, as required by a resolution of the house, to present the amount of money collected since the 1st of January, 1824, for trespasses on the donation, amount of rents of unsold lots, and improved land on the donation, of whom, and at what time received, has the honor to report the following—as a detailed statement of the entries, on the books, on that subject, to wit:

Feb. 21, 1824,	Rec'd. of Isaac Coe, for rent of imprvm't.	5 00
" 27	: Wilks Reagan, for rent, "	11 75
June 17	: Thomas Chinn, rent in 1823	3 50
Jan. 3, 1825,	: Benjamin Salor, : 1824	55 00
Dec. 30,	: James Givan, : :	53 15
: :	: Thomas Pogue, : :	32 75
: :	: Wilks Reagan, ; :	24 43
: :	: Amos Haunaway, : :	10 81
: :	: Robert Patterson, : :	4 25
: :	: Isaac Coe, : :	27 07
: :	: Asael Dunning, : :	10 25
Jan. 24, 1827,	: Seth Bacon, for rent, in 1824's,	41 34
: :	: Samuel W. Cowen, : 1823	16 00
Feb. 20,	: James Givan, : 1825	53 15
March 26, 1828	: Benjamin Salor, : 1824's	104 19
May 7,	: By present agent, of James Leaverton, by Jeremiah Johnson, for rent,	1827 7 12
June 2,	: Thomas Pogue, by B. I. Blythe,	1826 22 75
Nov. 15,	: Brown & Frazee, : 1827	37 00
May 2, 1829	: Jeremiah Johnson, : 1828	7 12
: 28,	: Moses Frazee, : :	25 00
: :	: Samuel McGeorge, : :	124 86
Nov. 25,	: Amos Hannaway, : 1827	5 78
		1828 5 48

Dec. 2, 1824,	received of Paxton & Baker, for timber,	\$4 50
Feb. 9, 1825,	: Lismund Basye, for rails,	2 06
Dec. 30,	: From sundry persons for timber, during present year,	7 62
Dec. 30, 1826,	: For timber during present year,	1 37
Dec. 31, 1827,	: Of sundry persons for timber, during the present year,	12 00
May 2, 1829,	: James Griswold, by present agent for timber,	28
Nov. 28,	: Ebenezer Sharpe, for 72 rails, made of decayed timber, at 37½ per 100, cut by some one unknown,	27
:	: For 3 loads of fire wood, : 100 stakes, made of decayed timber,	75
:	: James B. Ray, for 550 rails, by him made, of fallen timber, on donation,	374
:	: 200, decayed timber,	2 75
		75

\$32 72½

Respectfully Submitted,

E. SHARPE, Agent.

Which was read and referred to the committee on the affairs of the town of Indianapolis.

A message was received from the senate by Mr. Test, their assistant secretary announcing, that

The senate has passed an engrossed resolution of the house of representatives, entitled "a joint resolution relative to the western mail stage route from Louisville in Kentucky, to St. Louis in Missouri.

The Senate has also passed engrossed bills entitled as follows, viz:

An act to amend the act entitled an act for the relief of occupying claimants of land.

An act to authorize the circuit court of the county of Vanderburgh, to change the venue in a certain case therein named.

In which two last mentioned bills, I am desired to request the concurrence of the house of representatives.

I am requested also, to inform the house of representatives that the senate has appointed Messrs. Fletcher and Maxwell, a joint committee on enrolled bills.

The engrossed bills entitled "acts," in the above message, were then severally read the first time and passed to a second reading to-morrow.

The engrossed bill from the senate, entitled an act to relocate part of the state road leading from the Ohio line, by Abington and Waterloo to Connersville, was read the third time, and passed.

Ordered, That the clerk inform the senate thereof.

The house resolved itself into a committee of the whole, on the resolution offered by Mr. Read, on the subject of an *ad valorem* system of taxation; and the following bills, viz:

The bill supplementary to the several acts now in force for assessing and collecting the revenue.

The bill to amend the act entitled an act to amend the several acts, now in force, relative to assessing and collecting the revenue, approved January 24th, 1827; and

The bill amendatory to the acts, for assessing and collecting the revenue, and after some time spent therein, the speaker resumed the chair, and Mr. Evans reported progress, and asked leave to sit again; which leave was granted by the house;

Mr. Dumont then moved that said committee be discharged from the further consideration of said resolution, and bills; and that the same be recommended to the committee of ways and means.

And a division of the question being called for by Mr. Johnston of K., and the question being put, "shall said committee be discharged?" the same was carried in the affirmative.

Mr. Read, then moved to lay the said resolution and bills on the table, which motion was carried in the affirmative,

The house resolved itself into a committee of the whole, on the engrossed bill from the senate, entitled an act concerning the Farmers' and Mechanics' bank of Indiana, and after some time spent therein, the Speaker resumed the chair, and Mr. Little reported said bill without amendment; and

On motion of Mr. Pennington,

Ordered, That said bill do lie on the table.

And then the house adjourned until to morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 19, 1829.

The house met pursuant to adjournment.

Mr. Gardner presented a petition of William T. Noel and others, citizens of Parke county, praying that the time allowed for holding the circuit court, in said county, may be extended to one week at each term:

Which was read and referred to the committee on the judiciary.

Mr. Hillis from the committee on elections, made the following report, viz:

The committee on elections, to whom was referred the certificates and credentials of election of the returned members, composing the house of representatives of the present general assembly, have had the same under consideration, and find the following gentlemen duly elected, and entitled to their seats, *to wit*:

From the county of Wayne, *James Rariden, Henry Hoover, John Jones, and John Finley.*

From the county of Dearborn, *Horace Bassett, Thomas Guion, James T. Pollock, and Walter Armstrong.*

From the county of Clark, *Isaac Howk, Alexander F. Morrison, and Andrew Fite.*

From the county of Washington, *Alexander Little, John Kingsbury, and Ezekiel D. Logan.*

From the county of Franklin, *David Wallace and Benjamin S. Noble.*

From the county of Harrison, *Dennis Pennington, James B. Slaughter, and Robert F. Bell.*

From the county of Switzerland, *John Dumont and Samuel Jack.*

From the county of Jefferson, *David Hillis and James H. Wallace.*

From the county of Orange, *Thomas Coffin and John B. Moyer.*

From the county of Knox, *John C. Reiley and General W. Johnston.*

From the county of Union, *Ross Smiley and James Leviston.*

From the county of Fayette, *Marks Crume.*

From the county of Rush, *William J. Brown.*

From the county of Decatur, *Thomas Hendricks.*

From the county of Ripley, *Thomas Smith.*

From the county of Jennings, *Ezra F. Pabody.*

From the county of Marion, *George L. Kinnard.*

From the county of Jackson, *James Hamilton.*

From the county of Scott, *Jeese Jackson.*

From the county of Floyd, *Jacob Bence.*

From the county of Crawford, *Seth M. Levenworth.*

From the county of Lawrence, *Pleasant Parks.*

From the county of Monroe, *John Ketcham.*

From the county of Gibson, *Samuel Hall.*

From the county of Posey, *William Casey.*

From the county of Sullivan, *George Boon.*

From the county of Vigo, *Thomas H. Blake.*

From the counties of Vanderburgh and Warrick, *Robert M. Evans.*

From the counties of Spencer and Perry, *Richard Polke.*

From the counties of Pike and Dubois, *Thomas C. Stewart.*

From the counties of Daviess and Martin, *James G. Read*.

From the counties of Green and Owen, *Eli Dixon*.

From the counties of Putnam and Clay, *John McNairy*.

From the counties of Parke and Vermillion, *John Gardner*.

From the counties of Montgomery, Fountain, Tippecanoe, Warren, Carroll, and all the country north, to the state line, *John Beard and Robert Johnston*.

From the counties of Hamilton, Madison, Hancock, Henry, and the country north, to the state line, and not attached to any other county, *Elisha Long and William Conner*.

From the counties of Allen and Cass, and the country attached thereto, *Anthony L. Davis*.

From the counties of Morgan and Hendricks, and the country attached thereto, *C. G. Hussey*.

From the counties of Shelby and Johnston, *Rezin Davis*.

From the counties of Randolph and Delaware, *Lemuel G. Jackson*.

From the county of Bartholomew, and the country attached, *William Herod*.

Which report being read, the same was concurred in by the house.

Mr. Read, from the committee of ways and means, to which was referred that part of the governor's message, which relates to the hospital at Memphis, in the state of Tennessee, reported that they are well aware of the great benefit of a hospital at Memphis to those states bordering on the Ohio river; but owing to the situation of the treasury, it would be inexpedient to make any appropriation to that institution at this time:

Which report was read and concurred in by the house.

Mr. Pennington, from the committee on roads, to which were referred sundry resolutions of this house, and petitions on that subject, reported a bill to locate and open certain state roads, and for other purposes:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Pennington from the same committee, to which was referred a petition of John Dunlavy and others, reported a bill to relocate part of the state road leading from Rockport to Bloomington:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Bassett from the committee on canals and internal improvements, to which was referred a resolution of this house, directing said committee to enquire into the expediency of authorizing an appropriation for the improvement of the navigation of the White Water rivers; and also, a resolution directing them to enquire into the expediency of reporting a bill, to provide for the improvement of the navigation of the Wabash river, at the rapids, below Vincennes, reported—that they are of the opinion, that, as the subject is embraced in said resolutions, already before the house, it is unnecessary to make any further report thereon:

Which report having been read, the same was concurred in by the house.

Mr. Wallace of F., from the committee on canals and internal improvements, to which was referred so much of the governor's message as respects state internal improvements, reported—that they have had the same under consideration; that the subject embraced in said resolution is already before them in various propositions, which will necessarily require their attention in detail; and that it would be inexpedient, at present to attempt any general system of state improvements; the means of the state

being in their opinion entirely inadequate to prosecute a design of such magnitude:

Which report having been read, the same was concurred in by the house.

Mr. Wallace of J., from the select committee, to which was referred a petition of Warner Ford and others, citizens of Jefferson county, reported a bill authorizing a certain lease therein named:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Pennington moved the following resolution, viz:

Resolved, That the committee on elections be instructed to report a bill to this house, to take the sense of the people of this state, at the next general election, whether they wish to call a convention, to so modify the constitution that there shall be one meeting of the general assembly, in two years; and that impeachments of civil officers before the senate, be given to the circuit courts.

Mr. Wallace of F., moved to amend said resolution, by striking out the word "report," and inserting in lieu thereof, the words "enquire into the expediency of reporting;" when

Mr. Evans moved to lay said resolution and proposed amendment on the table, which motion was carried in the affirmative.

On motion of Mr. Blake,

Resolved, That a select committee be appointed to enquire into the expediency of memorializing Congress, to grant to this state, the alternate sections reserved by the general government, along the line of the Wabash and Miami canal, to be applied to the completion of said work.

Ordered, That Messrs. Blake, Kinnard, Hawk, Morrison and Hillis, be that committee.

On motion of Mr. Little,

Resolved, That the committee on the affairs of Indianapolis, be instructed to enquire into the ex-

pediency of making an appropriation of the Indianapolis fund, to furnish materials for the commencement of the state house, on the lot reserved for that purpose, in the town of Indianapolis.

On motion of Mr. Crume,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of providing means for furnishing the governor's house.

Mr. Morrison, from the joint committee, for enrolled bills reported—that they have compared the enrolled with the engrossed joint resolution, relative to the western mail stage route, from Louisville, Ky., to St. Louis in Missouri, and find the same truly enrolled;

When the speaker signed said joint resolution.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

Mr. Hoover, moved the following resolution, viz:

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the propriety of changing the site for a state house, from the square set apart for the purpose, to the circle laid off for the executive house; whether the house built for the executive will not answer for a centre building, and by making some additions to that house, it will not make a convenient state house, and also to ascertain the number of lots owned by individuals adjoining the state house square; with the probable injury that such property may sustain, by a change of the site, of the state house.

Mr. Boon moved to amend said resolution, by inserting at the end thereof, the following:

And that the said committee be further instructed to enquire into the expediency of refunding the money, with interest, that the state has received from purchasers of lots near the state house square, to said purchasers;

Which motion was carried on the affirmative.

The question being then put, shall said resolution as amended, be adopted? the same was decided in the negative.

Mr. Bassett moved the following resolution, viz:

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of appropriating the house erected for the governor of this state, to the citizens of Marion county, for their use, as a county seminary.

Mr. Kinnard moved to amend said resolution, by striking out the word "appropriating," and inserting the word "selling."

Mr. Slaughter then moved to amend the proposed amendment, by adding after the word "selling," these words: "the Governor's Circle," after laying off the same in different lots, to the highest bidder, on a credit of five annual equal instalments," and striking out all the balance of said resolution from the word "appropriating."

Which motion of Mr. Slaughter, was decided in the negative.

The question being put on the motion of Mr. Kinnard, the same was decided in the negative.

And the question then recurring on the adoption of said resolution, the same was also decided in the negative.

Mr. Johnston of T. moved the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of extending the time of holding the circuit courts in the county of Tippecanoe.

Mr. Long moved to amend said resolution, so as to extend said enquiry to the counties of Henry and Cass; which motion was carried in the affirmative.

The said resolution as amended, was then adopted by the house.

Mr. McNary moved the following resolution, to wit:

Resolved, That the committee on education be requested to enquire into the expediency of allowing all orphans admittance into the state college, free of tuition fees, who may already possess the necessary preparatory qualifications.

Mr. Parks moved to amend said resolution by adding the following at the end thereof.

"Likewise, all poor persons, under the age of 21 years, that may be judged by the board doing county business, to be destitute of the means of education, who may have been citizens of this state twelve months previous to their application."

And before coming to a decision on said motion to amend, the house adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, DECEMBER 21, 1829.

The House met pursuant to adjournment.

Mr. Kinnard presented a petition of N. Cox, praying compensation for services rendered, in exploring White river; which was read and referred to the committee on claims.

Mr. Kinnard also presented a remonstrance of Jeremiah J. Corboley, and others, against locating the Michigan road by way of Noblesville; which was read and referred to the same select committee, to which was referred a resolution of this house on the same subject.

Mr. Long presented a petition of William Curtis, and others, citizens of Madison county, praying an appropriation of funds sufficient to remove the timber off the road leading from Shelbyville, to intersect the Fort Wayne road, north of Andersonstown: which was read and ordered to lie on the table.

Mr. Read from the committee of ways and means, to which was referred a resolution of the house, in-

structing said committee to enquire into the expediency of establishing one or more hospitals in this state, at some convenient point on the Ohio river; reported, that it is inexpedient to legislate upon that subject, at this time; and that said committee have also had under their consideration a resolution of this house, directing them to enquire into the expediency of so amending the 6th section of the revenue law, approved, January 24th, 1827, as to lay a tax on all kinds of shows to be exhibited in this state, and upon wooden clock pedlars; and are of opinion that there is now before this house a bill embracing the subject matter contained in said resolution; which report having been read, was

On motion of Mr. Levenworth,

Ordered, to lie on the table.

Mr. Rariden from the committee on the judiciary to which was referred a resolution of this house on that subject, reported a bill regulating Indian descents, and for other purposes, which was read the first time, and passed to a second reading to-morrow.

Mr. Johnston, of K., from the same committee who were instructed to enquire into the expediency of fixing on some day certain, that all laws and joint resolutions shall take effect and be in force, except in cases of emergency, reported—that they have had the same under consideration, and are of opinion, that the provisions now made by the constitution and existing statute on that subject, are sufficiently well calculated to answer every requisite purpose; and that further legislation at this time, would be inexpedient:

Which report being read, was concurred in by the house.

Mr. Hall from the same committee, to which was referred a resolution of this house, on that subject, reported a bill to amend the act authorising domes-

tic attachments, and to regulate the proceedings thereon:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Kingsbury from the same committee, to which was recommitted the bill to amend the several acts respecting officers' fees, reported said bill, with one amendment: which amendment was read at the clerk's table, and concurred in by the house.

The said bill was then committed to a committee of the whole house for to-morrow.

Mr. Howk, from the same committee to which was referred a resolution of this house, directing an enquiry as to the expediency of so amending the law as to authorise execution creditors (after levy of execution on property claimed by a third person, and trial thereon had, by appeal and decision in favor of the execution, failure of the claimant to deliver the property so taken to be sold) again to issue execution against the property of defendant generally, reported—that they are of opinion that such an amendment would be unjust in its operation, and therefore inexpedient.

Which report being read, was concurred in by the house.

Mr. Johnston, of K., from the same committee, who were directed to enquire into the expediency of providing by law, that the several boards doing county business within this state shall be required to furnish the several justices of the peace in their respective counties, with suitable docket books, at the expense of the proper county, reported—that they have had the same under consideration, and deem such provision inexpedient:

Which report being read, was concurred in by the house.

Mr. Kingsbury from the same committee to whom was referred a resolution of this house, instructing them to enquire into the expediency of establishing

by law a form of deed, to be given by collectors to purchasers of land for taxes, reported—that they have had the same under their consideration, and are of opinion, that it is inexpedient to legislate on that subject. The revenue law makes collectors' deeds conclusive evidence, that the sale was regular according to the provisions of that law; and your committee are of opinion, that, should a form of deed be established by an act of this legislature, such form must necessarily contain more recitals than would in many instances, be complied with by collectors; that it would sanction the neglect of collectors in their failures to perform their duties; and that it would be extremely difficult, if not impossible, in a general form, to meet the multifarious and varied cases arising under the several laws in force for the raising and collecting a revenue.

Your committee, therefore, ask to be discharged from the further consideration of that subject.

Ordered, That said committee be discharged from the further consideration thereof.

Mr. Johnston, of K., from the same committee, who were instructed to enquire into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace, as to make it the duty of justices of the peace to issue the writ of *capias ad satisfaciendum* in the first instance, for fines and costs, by them hereafter assessed, against all persons, who may, by them, be adjudged guilty of breaches of the peace, unless the same be immediately paid or replevied: and also to enquire into the expediency of so amending the before recited act, so as to give justices of the peace power to punish by fine or imprisonment in the county jail, for contempts of their respective courts, reported that said committee have had the same under consideration, and are of opinion, that the above enquiry is superceded by the bill now before this house, amendatory of the several acts regulating the juris-

diction and duties of justices of the peace; and therefore pray to be discharged from the further consideration of the above subjects.

Which report being read, was concurred in by the house.

Ordered, That said committee be discharged from the further consideration of that subject.

Mr. Finley, from the committee on education, to which was committed the bill to amend the act entitled "An act to amend an act to establish a state library;" approved February 4, 1825, reported the same without amendment. The said bill was then

Ordered to be engrossed, and read a third time to-morrow.

Mr. Boon, from the committee on claims, to which was referred the petition of Jesse Wright, sheriff of Monroe county, reported—that they have had the same under consideration, and are of opinion, that \$39.50 should be allowed him, that being the amount paid by said petitioner, to Charles Young, for assisting in apprehending Nathan Baker, a fugitive from justice, as also for damages done to a hired horse. They therefore recommend the adoption of the following resolution, viz:

Resolved, That the committee of ways and means be instructed to allow to Jesse Wright, thirty-nine dollars and fifty cents, in the specific appropriation bill.

Which report being read, was concurred in by the house.

Mr. Logan, from the same committee to which was referred the petition of Joseph Warner, of Daviess county, reported that they have had the same under consideration, and are of opinion that it is inexpedient to grant the prayer of the petitioner:

Which report being read, the same was,

On motion of Mr. Boon,

Ordered to lie on the table.

Mr. Logan, from the same committee, to which

was referred the petition of Abraham Westfall, collector of the state revenue for Knox county, reported—that they have had the same under consideration, and are of opinion, that an allowance of \$20.66 1/2 should be made the said Westfall, for delinquencies, which he omitted to charge in his settlement with the treasurer, for the year 1828. They therefore recommend the adoption of the following resolution, viz.

Resolved, That the committee of ways and means be instructed to allow in the specific appropriation bill, to Abraham Westfall, the sum of twenty dollars sixty-six and a half cents.

Which report being read, was concurred in by the house.

Mr. Casey, from the same committee to which was referred the petition of John Daffen, and others, citizens of Dubois county, on that subject, reported a bill for the relief of the securities of Samuel Postlewait, late collector of Dubois county; which was read the first time, and passed to a second reading to-morrow.

Mr. Pennington, from the committee on roads, to which was referred the petition of Frederick Beebe, and others, citizens of Ripley county, reported a bill to relocate a part of the state road leading from Madison to Lawrenceburgh, which was read the first time and passed to a second reading to-morrow.

Mr. Kinnard from the select committee to which was referred the petition of Samuel McCormack and others, reported a bill concerning the state road from Indianapolis to Crawfordsville and Lafayette; which was read the first time and passed to a second reading to-morrow.

Mr. Little submitted the following report:

The select committee appointed to enquire whether the public printers discharged their duty in printing the laws and journals of the last Legis-

lature, agreeable to contract, and whether the secretary, auditor and treasurer, discharged their duty in employing some person to distribute the same in the several counties; and whether the person so employed discharged his duty, in distributing the same, have discharged that duty, and find the following facts:

That the contract under which the printing of the last session of the Legislature was executed is so vague and uncertain, that it is hard to ascertain with any degree of certainty, at what time the printing should have been done. By the proposals which were accepted, the contract was given to Messrs. Smith & Bolton, for three years, from the 6th day of October, 1827; the prices are specified but the period limited for their completion is so indefinite that it is hard for your committee to ascertain with any degree of certainty whether the contract has been complied with, or not.

The following extract from the proposals, will shew the uncertainty alluded to:

“The printing of each session, to be executed in thirty-five days after the rise of each session of the Legislature, if not exceeding that of the last session, and if a greater quantity is ordered to be printed in a proportionate time.

Your committee would state that the Legislature adjourned on the 24th day of January last, the acts and journals were deposited in the Secretary's office on the 9th of May following; but whether there was double the amount, or more of printing done the last year, that was done the year alluded to in the contract, your committee is not able to ascertain to any degree of certainty.

Your committee would also state that they are informed that the printing was delayed about two weeks for the want of paper, occasioned by high waters and bad roads. Your committee would further state that the secretary, auditor and treasurer,

did, on the 7th day of February, 1829, contract with Philip Hedges, to distribute the laws and journals of the last Legislature, for the sum of two hundred and twenty five dollars, and took his bond with Isaac Ash and William W. M'Intosh, securities for the faithful performance of the contract, which was to distribute the laws and journals, in the several counties, in fifteen days from the time he received the same, (Sundays excepted.)

Your committee would further state, that they are informed, the secretary, auditor and treasurer did write to the said Philip Hedges, informing him at what time the laws and journals would be ready for distribution; but the said Hedges did not apply for, or receive said laws and journals, until the 20th day of May. Your committee has ascertained to their satisfaction, that the laws and journals did not reach some of the counties, until late in the fall; they therefore believe the said Hedges' bond is forfeited, and that he ought to be docked of his pay.

Mr. Little, after having obtained leave presented a joint resolution on the subject of compensation to Philip Hedges, for distributing the Laws and Journals of the general assembly for the session of 1828'9; which was read the first time and passed to a second reading to-morrow.

Mr. Kingsbury, from the select committee to which was referred the the petition of James Hammersly, praying to be divorced from his wife, reported a bill in pursuance of the prayer of the petitioner; which was read the first time; when

Mr. Dumont moved to reject the same, and the ayes and noes being requested thereon, by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Blake, Boon, Coffin, Crume, Davis of S., Dixon, Dumont, Finley, Fite, Hamilton, Hoover, Hawk, Hussey,

Dack, Johnston of T., Jones, Ketcham, Kinnard, Leviston, Logan, Long, Moyer, Noble, Pabody, Parks, Polke, Poilock, Rariden, Read, Smith, Wallace of F., and Smiley, *Speaker*—33.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Brown, Casey, Davis of A., Evans, Gardner, Guion, Hall, Hendricks, Herod Hillis, Jackson of D., Jackson of S., Johnston of K., Kingsbury, Levenworth, Little, McNary, Morrison, Pennington, Reiley, Slaughter, Stewart, and Wallace of J.—27.

And so said bill was rejected.

The house resumed the consideration of the resolution presented on Saturday last, by Mr. McNary; and the amendment proposed thereto by Mr. Parks;

And the question being put on the said amendment, the same was carried in the affirmative.

Mr. Morrison, moved further to amend said resolution by inserting before the word "orphan," the word "poor;" which motion was also carried in the affirmative.

The question then recurring on the adoption of the said resolution as amended, the same was carried in the affirmative.

On motion of Mr. Pennington,

The resolution presented by him on Saturday last on the subject of taking the sense of the people on calling a convention, and the proposed amendment thereto, by Mr. Wallace of F., was taken up.

The question being put on the amendment of Mr. Wallace, the same was carried in the affirmative; when,

Mr. Finley moved further to amend said resolution by adding at the end thereof these words, "and to make such other amendments thereto, as may be deemed necessary;" which motion was also carried in the affirmative.

The question recurring on the adoption of said resolution as amended, which reads in the words following, to wit:

Resolved, That the committee on elections be instructed to enquire into the expediency of reporting a bill to this house to take the sense of the people of this state, at the next general election, whether they wish to call a convention, to so modify the constitution of this state, that there shall be one meeting of the general assembly in two years; and that impeachments of civil officers before the Senate, be given to the circuit courts, and to make such other amendments thereto as may be deemed necessary; and the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Boon, Brown, Casey, Coffin, Crume, Davis, of S., Evans, Finley, Fite, Guion, Hall, Hendricks, Hillis, Hoover, Hawk, Hussey Jack, Jackson of D. Jackson, of S. Johnston of K. Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, Morrison, Moyer, Parks, Pennington, Read, Reiley, Slaughter, Smith, and Wallace, of F.
—41.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Blake, Davis of A., Dixon, Dumont, Gardner, Hamilton, Johnston of T., McNary, Noble, Pabody, Polke, Pollock, Stewart, Wallace, of J. and Smiley, Speaker.—17

And so said resolution was adopted.

And then the house adjourned until 2 o'clock
P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Morrison from the joint committee for enrolled bills, reported that they have compared the enrolled with engrossed bill entitled "an act to relocate a part of the state road leading from the Ohio line by Abington and Waterloo, to Connersville," and find the same truly enrolled.

Whereupon the speaker signed the same.

Ordered, That the clerk carry the said act to the senate for the signature of their president.

On motion of Mr. Brown,

Resolved, That the committee on the affairs of Indianapolis in their investigation of the books and accounts of the agent of said town be authorized to send for persons and papers so far as may be necessary to a full investigation of that matter.

On motion of Mr. Levenworth,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of making some reciprocal provisions with the adjoining states by which arrangements, witnesses necessary for the prosecution of criminal causes, may be compelled to attend such prosecutions by process issued against them, in cases where the witnesses reside out of the state, in such cases as must be constitutionally prosecuted.

On motion of Mr. Morrison,

Resolved, That a select committee be appointed, whose duty it shall be to enquire into the expediency of a law, for a more certain, speedy and responsible method of printing and distributing the laws and journals of the state, to the people, and to the proper county seats, which law shall regulate all subsequent contracts, for the above mentioned purposes.

Ordered, That Messrs. Morrison, Read, Little, Wallace of J., and Noble, be that committee.

Mr. McNary moved the following resolution, viz:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending the revenue law as to exempt persons from paying tax that are not eligible to a vote in this house.

The said resolution being read, Mr. Long moved to lay the same on the table;

Which motion was decided in the negative.

The question recurring on the adoption of said resolution, the same was also decided in the negative.

On motion of Mr. Dumont,

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the first section of an act entitled an act for assessing and collecting the revenue; approved January 30, 1824, as requires a tax to be paid on legal process.

On motion of Mr. Reiley,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of applying to the war department for a suitable engineer to examine the obstructions in the west fork of White river, at or near where the state road crosses the same, leading from Vincennes to Louisville, Ky.

On motion of Mr. Kingsbury,

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending so much of the revenue law, as makes collectors' deeds conclusive evidence of the regularity of sale.

On motion of Mr. Stewart,

Resolved, That the judiciary committee be instructed to enquire into the propriety of extending the time of holding courts in the counties of Pike and Dubois.

On motion of Mr. Beard,

Resolved, That the judiciary committee be instructed to enquire what amendments are necessary to the laws now in force regulating grist mills, and millers.

On motion of Mr. Fite,

Resolved, That the committee on the judiciary be requested to enquire into the expediency of so amending the revenue laws of this state, as to make it the duty of the sheriffs and collectors to make return of their delinquent lists, for the non payment

of taxes on lands in their respective counties, to the circuit court, the court to order such lists to be published, and at a subsequent term to render judgment and award execution, as in other cases, and make report thereof by bill or otherwise.

On motion of Mr. Gardner,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the act authorising the sale of the school lands, as to give to any five householders, residing in the township, a right to call a meeting under the direction of said act, and that a majority of the voters present, shall determine whether the reserved section shall be sold or not.

Mr. Smith moved the following resolution, viz:

Resolved, That the committee on the judiciary be directed to enquire into the expediency of reporting a bill, repealing the first section of an act to amend the act for the formation of congressional districts, and for the election of senators and representatives to Congress, approved January the 9th, 1829.

The said resolution was read and ordered to lie on the table; on motion of Mr. Hillis.

Mr. Levenworth, after having obtained leave, presented a joint resolution requesting aid of congress for the purpose of erecting a hospital in this state, at some convenient point on the Ohio river, for sick watermen;

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Blake,

The joint resolution ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of Congress, of the 24th, May, 1828, was taken up, and committed to a committee of the whole house, for to-morrow.

Mr. Beard, after having obtained leave, presented

a joint resolution to fill a vacancy in the board of visitors of the Indiana college;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hall, after having obtained leave, presented a bill authorising a reassessment in Gibson county;

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Brown,

The several bills on the subject of an *ad valorem* system of taxation were taken up, and referred to a select committee of Messrs. Brown, Read, Boon, Jack, Polke, Dumont and Little.

Mr. Gardner, after having obtained leave, presented a bill for the incorporation of the Eugene academy;

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Evans,

The bill for the relief of Zachariah Skelton, was taken up, when

Mr. Evans moved to amend the same by striking out the preamble, in the original bill, and inserting in lieu thereof, the following:

"Whereas, it has been represented to the general assembly of the state of Indiana, that Zachariah Skelton of Warrick county, as administrator of Elijah Scales, deceased, did, in pursuance of the provisions of the tenth section of an act entitled an act providing for the settlement of decedent's estates, and for other purposes, approved January 26, 1824," expose to sale, part of the south-east quarter of section thirty-two, in township three, south of range six west, in the district of lands offered for sale at Vincennes, at which sale the said Zachariah Skelton became the purchaser; therefore,"

Which motion was carried in the affirmative.

Mr. Rariden then moved to postpone the further consideration of said bill indefinitely;

Which motion was decided in the negative.

The question being then put, "Shall said bill be engrossed and read a third time to-morrow? and the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are—

Messrs. Bell, Bence, Casey, Coffin, Crume, Davis of S., Evans, Gardner, Herod, Hillis, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Kinnard, Levenworth, Leviston, Logan, Moyer, Noble, Pabody, Parks, Read, Reiley and Stewart,—26.

And those who voted in the negative, are—

Messrs. Armstrong, Beard, Boon, Brown, Conner, Davis of A., Dixon, Dumont, Finley, Fite, Guion, Hamilton, Hendricks, Hoover, Howk, Johnston of T., Jones, Ketcham, Kingsbury, Little, Long, McNary, Morrison, Pennington, Polke, Pollock, Rariden, Slaughter, Smith, Wallace of F., Wallace of J., and Smiley, *Speaker*—32.

And so said bill was rejected.

On motion of Mr. Kinnard,

The bill to establish a road from Martinsville, by way of Lyon's mill and Mooresville, leading north, to intersect the Michigan road, was taken up and committed to a committee of the whole house for to-morrow.

A message was received from the senate by Mr. Test, their assistant secretary, announcing, that the senate has passed an engrossed joint resolution, entitled "A joint resolution on the subject of distributing the laws and journals of the last session of the general assembly," in which I am directed to request the concurrence of the house of representatives.

They have also passed an engrossed bill, entitled "An act to amend an act subjecting real and personal estate to execution;" approved, 30th January, 1824; in which, also they request the concurrence of the house of representatives.

The senate has also passed an engrossed bill from the house of representatives, entitled, "An

act to amend the act entitled, an act to provide for incorporating a county seminary, in the county of Clark;" approved January 26, 1827; without amendment.

The said joint resolution, and bill first named in the foregoing message, were severally read the first time, and passed to a second reading to-morrow.

And then the house adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, DECEMBER 22, 1829.

The house met pursuant to adjournment.

Mr. Gardner presented a petition of John M. Coleman, of Vermillion county, praying to be relieved from the penalty of an act of the last general assembly of this state, relative to navigable streams, declared highways, by an ordinance of Congress; he having erected a mill on the big Vermillion river, in said county; and praying authority to continue said mill, on condition that he shall construct a slope on his dam, of such dimensions as will admit boats to descend said stream, at all navigable stages thereof.

The said petition was read, and referred to the judiciary committee.

Mr. Gardner also presented a petition of Stephen S. Collett, and about one thousand other citizens of Vermillion county, praying that the prayer of the petition of John M. Coleman be granted:

Which was read and referred to the same committee.

Mr. Ketcham presented a petition of John S. Barnes, of Monroe county, praying that Jackson Lick, in said county, may be leased to him for the term of five years, upon condition that he be author-

ised to put repairs thereon, to the amount of four hundred dollars:

Which was read and referred to the committee on claims.

Mr. Ketcham also presented a communication from James Parson, of said county, praying said salt lick may be leased to him for any term between two and five years, at the rate of one hundred dollars per annum:

Which was read and referred to the same committee.

On motion of Mr. Crume,

The petition of John McCoy and others, citizens of Rush county, on the subject of a certain state road therein named, was taken up and referred to the committee on roads.

Mr. Crume presented a petition of William Waters and others, citizens of the town of Waterloo, in the county of Fayette, praying that authority be given to the proprietor of said town, to exchange lot No. 40, in said town, given for public uses, for lot No. 43:

Which was read and referred to a select committee of Messrs. Crume, Bariden and Leviston.

The speaker laid before the house a communication from Levi Cobb, of Floyd county, praying that articles of impeachment may be preferred against Caleb Numan, a justice of the peace, in said county, for certain alleged abuses in his office:

Which was read and referred to the committee on the judiciary.

Mr. Read, from the committee of ways and means, to which was referred a resolution of this house, instructing them to enquire into the expediency of reducing the state tax on polls, thirty-three and one third per cent. reported—that they have had the same under consideration; and are of the opinion, that it is inexpedient to reduce the poll tax at this time:

Which report was read, and concurred in by the house.

Mr. Read from the same committee, to which was referred a resolution of the house instructing said committee to enquire into the expediency of making it the express duty of boards doing county business, to reduce the taxes on objects of county revenue, whenever there shall be an overplus in the treasury of any county, over and above the necessary expenditures of said county, reported—that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject:

Which report was read; and,

On motion of Mr. Kinnard, the same was

Ordered to lie on the table.

Mr. Rariden, from the committee on the judiciary, to which was referred a resolution of this house, reported, in pursuance of the same, a bill dividing the state into judicial circuits:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Johnston, of K., from the same committee to which was referred the bill respecting free negroes, mulattoes, servants and slaves, reported the same, with sundry amendments:

Which were read, and concurred in by the house.

The said bill was then recommitted to the same committee.

Mr. Hall, from the same committee, to which was referred a resolution of this house, on the subject of making it lawful for widows to make improvements on wild and uncultivated lands, assigned as dower, reported a bill to amend the "act for the assignment of dower;" approved, January 7th, 1824:

Which was read the first time and passed to a second reading to-morrow.

Mr. Kingsbury, from the same committee, to which was referred so much of the governor's message, as

respects a state census, reported a bill on that subject:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Herod, from the same committee, to which was referred a resolution of this house, on the expediency of so amending the practice act, as to make the return days of execution on the first day of each term, reported, that they have had the same under consideration; and are of opinion that further legislation upon the subject is unnecessary.

Which report was read and concurred in by the house.

A message was received from the senate by Mr. Test, their assistant secretary, announcing, that the senate has passed an engrossed joint resolution, entitled "A joint resolution to declare, establish, ratify, and confirm, with one fundamental condition, the compact entered into, between Wyllys Silliman, commissioner on the part of the state of Ohio, and Jeremiah Sullivan, commissioner on the part of the state of Indiana;" in which they ask the concurrence of the house of Representatives.

The said joint resolution was read the first and second times, the rules of the house having first been dispensed with, and committed to the same committee of the whole house, to which is committed a report and joint resolution of this house on the same subject.

Mr. Coffin, from the committee on claims, to which was referred the petition of A. Campbell, reported—that they have had the same under consideration, and request, that they be discharged from the further consideration of the subject, and that the petition, with the accompanying documents, be referred to the committee on roads, as they have several petitions of the same nature already before them.

Ordered, That said committee be discharged from the further consideration of the above subject, and that the said petition and documents be referred to the said committee on roads.

Mr. Evans, from the select committee to which was referred the petition of Samuel Hinman, asked to be discharged from the further consideration thereof, and that the same be referred to the committee on roads.

Ordered, That the said committee be discharged, and the said petition be referred to the committee on roads.

Mr. Hoover moved the following resolution, viz:

Resolved, That a select committee be appointed to draft, and report to this house, a memorial to the congress of the United States, against the stoppage of the transportation of the mail on the first day of the week, commonly called Sunday, and that said committee report as early as possible: When,

Mr. Boon moved to lay said resolution on the table:

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution; and the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A, Davis of S, Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hamilton, Herod, Hoover, Hawk, Hussey, Jack, Jackson of D., Johnston of T, Jones, Ketcham, Kingsbury, Kinnard, Leviston, Logan, Long, McNary, Morrison, Moyer, Noble, Parks, Pollock, Reiley Slaughter, Smith, Stewart, Wallace of F., and Smiley, *Speaker*—44

And those who voted in the negative, are,

Messrs. Basset, Blake, Fite, Hendricks, Hallis, Jackson of S., Johnston of K, Leverworth, Little, Pabody, Pennington, Polke, Read, and Wallace of J.,—14,

And so said resolution was adopted.

Ordered, That Messrs. Hoover, Evans, Dumont, Kinnard, Wallace of F. and Howk, be said committee.

Mr. Armstrong moved the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the justice and propriety of reporting to this house, a bill exempting all revolutionary officers and soldiers, who now are or may hereafter become citizens of this state, from imprisonment for debt: when,

Mr. Wallace of J., moved to amend the same by adding at the end thereof, these words: "and from the payment of tax:"

Which motion was decided in the negative.

Mr. Noble then moved to amend said resolution, by adding these words: "That the widows, children and grandchildren of revolutionary soldiers, be also exempt from taxation and imprisonment for debt:"

Which motion was also decided in the negative.

The question recurring on the adoption of the original resolution;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dixon, Evans, Finley, Fite, Gardner, Guion, Hall, Hendricks, Herod, Hillis, Hoover, Hussey, Jackson of S., Johnston of K., Johnston of T., Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Long, McNary, Morrison, Pabody, Parks, Pollock, Read, Reiley, Smith, Stewart, Wallace of F., Wallace of J., and Smiley, *Speaker*—46.

And those who voted in the negative, are,

Messrs. Bell, Bence, Dumont, Hamilton, Howk, Jack, Jones, Logan, Moyer, Noble, Pennington, Polke, and Slaughter—13.

And so said resolution was adopted.

Mr. Johnston, of K., moved the following resolution, viz.

Resolved, That the committee of ways and means be and are hereby directed to enquire into the expediency of renting out, for a definite period, the governor's house; or of appropriating the same, until otherwise disposed of, to the use and occupation of the officers of state: when,

Mr. Noble moved to lay said resolution on the table:

Which motion was decided in the negative.

Mr. Read then moved to amend said resolution, by striking out the words, "ways and means," and inserting the words, "on the affairs of the town of Indianapolis:"

Which motion was carried in the affirmative.

The said resolution, as amended, was then adopted by the house.

On motion of Mr. Hillis,

The communications of the governor, accompanied by sundry resolutions of the legislatures of the states of Virginia, South Carolina and Georgia, were taken up, and referred to the committee on the judiciary.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Davis, of S.,

The report of the committee on roads on the subject of that part of the Brookville state road that lies between Rushville and Indianapolis, was taken up, and referred to a select committee of Messrs. Davis, of S., Noble, Wallace, of F., Brown and Kinnard.

On motion of Mr. Levenworth,

Resolved, That the committee on military affairs

be instructed to enquire into the expediency of so altering the militia law, as to give the fines imposed, and collected from delinquents, at company musters, for the use of said company, to be applied by the company, to pay music, procure a company stand of colors, &c.

On motion of Mr. Levenworth,

Resolved, That the committee on canals and internal improvements, enquire and report whether it would not economise the canal funds hereafter, to employ one commissioner and one state engineer to attend to and direct the future operation of the Wabash and Miami canal.

Mr. Pollock moved the following resolution, viz:

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing the 8th section of an act amendatory of the law and for the better advancement of justice; approved January 20, 1826.

And the question being put, shall said resolution be adopted? The same was decided in the negative.

Mr. Noble moved the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill requiring all petitions presented to the Legislature, to be published at least sixty days previous to their presentation, in some public newspaper.

And on the question being put, shall said resolution be adopted? The same was decided in the negative.

Mr. Herod, moved the following resolution, viz:

Resolved, That the committee, of ways and means be directed to enquire into the expediency of increasing the premium on wolf scalps.

The question being put, shall said resolution be adopted?

And the ayes and noes being required thereon,
by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Blake, Boon, Brown, Casey, Conner, Davis of A., Davis of S., Dixon, Evans, Gardner, Guion, Hall, Hamilton, Hendricks, Herod, Hillis, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Ketcham, Kinnard, Levenworth, Long, McNary, Morrison, Pabody, Parks Pollock, Read, Reiley, Slaughter, Smith, and Stewart—38.

And those who voted in the negative, are,

Messrs. Bassett, Bence, Coffin, Crume, Dumont, Finley, Fite, Hoover, Howk, Jones, Kingsbury, Leviston, Little, Logan, Moyer, Noble, Pennington, Polke, Rariden, Wallace of J. and Smiley, Speaker—21.

And so said resolution was adopted.

Mr. Brown moved to take up the resolution presented by Mr. Smith, on yesterday, on the subject of repealing the first section of the act relative to Congressional elections;

Which motion was carried in the affirmative.

The said resolution was then adopted by the house.

Mr. Conner after having obtained leave, presented a joint resolution on the subject of a canal from the Wabash to White river; thence to the Ohio river;

Which was read the first time and passed to a second reading to-morrow.

Mr. Howk, after having obtained leave presented a joint resolution relative to the Illinois grant;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Parks, after having obtained leave presented a bill to amend the acts, appointing commissioners to relocate the seat of justice of Lawrence county;

Which was read the first time and passed to a second reading to-morrow.

The Speaker presented a communication from the Secretary of state, containing a list of books and documents added to the State Library, within the last year;

Which was read and ordered to lie on the table.

The Speaker also laid before the house, the following report from Morris Morris, Auditor of public accounts, viz:

AUDITOR'S OFFICE,
Indianapolis, Dec. 19, 1829. }

The Hon. Ross Smiley, Speaker of the House of Representatives.

SIR:

Herewith is laid before you a statement of the *first, second and third* rate land, subject to taxation in the state of Indiana,

Very respectfully sir,

Your obt. servant,

MORRIS MORRIS, A. P. A.

Hon. ROSS SMILEY, Speaker of }
the House of Representatives. }

AUDITOR'S OFFICE,
Indianapolis, Dec. 19, 1829. }

In obedience to a resolution of the House of Representatives requesting "the Auditor of public accounts to lay before the House, a statement of the number of acres, of *first, second and third* rate land, subject to taxation in each and every county in this state;" The following statement is respectfully submitted:

in the county of Allen,	1st Rate.	2d Rate	3d Rate.
" Bartholomew,	15.836	41 120	2967
" Clark,	16.432	74 089	95 836
" Clay,		3 755	566
" Cass,			
" Crawford,	280	10 906	18.248
" Carroll,			
" Dearborn,	9.168	38 483	126.234
" Decatur,	793	63.095	663
" Daviess,	7.155	44 157	11.818
" Dubois,	1.744	13 374	4 770
" Delaware,		1470	
" Fayette,	1 650	53 289	46.125
" Floyd,	4.034	23 066	36 887
" Franklin,	8 742	74 434	42.289
" Fountain,	14 607	4 365	
" Gibson,	20 747	52.687	14 507
" Green,	1 810	21.217	13 570
" Hamilton,	1 950	12 711	270
" Harrison,	1.732	30 353	143.139
" Hendricks,		17.291	
" Henry,	532	40.480	10 294
" Hancock,	921	4 249	240
" Jackson,	240	46 482	22 099
" Jefferson,	4 466	63 960	73 949
" Jennings,	455	38 183	14 324
" Johnson,	6 067	18.765	80
" Knox,	3 881	37.394	109 969
" Lawrence,	100	44.998	52 484
" Madison,		3 806	80
" Marion,	10 646	60.173	125 000
" Martin,	6 243	15 211	2 717
" Monroe.	1.306	45.130	16 783
" Montgomery,	15 520	21.475	80
" Morgan,	6.313	21.375	2.553
" Orange,		31.663	61 197
" Owen,	1.322	13 467	19.727
" Parke,	2.252	38.438	4.207
" Perry,	7.859	12.428	5.528
" Pike,	14.66	22.832	2.904
" Posey,	4 019	46.138	39.398
" Putnam,	4.421	25 061	683
" Randolph,	485	23 228	22.670
" Ripley,	230	16.105	41 362
" Rush,	1.196	107 126	2.953
" Scott,	830	47 626	7.233
" Shelby.	3.033	54 068	5 373
" Spencer,	9.261	14.972	16.248

"	Sullivan,	978	50 411	17.812
"	Switzerland,	7.583	76 016	23,547
"	Tippecanoe,			
"	Union,	1.191	60.419	35.516
"	Vanderburgh,	3 666	13.463	
"	Vermillion,	2 628	31 541	3 810
"	Vigo,	37 515	52.735	1.326
"	Warrick,	2 461	25.817	902
"	Washington,	610	62 869	92.995
"	Wayne,	5.806	76.577	128 831
"	Warren,	1.071		

Total amt. assessed in 1829, 268.263 1.944.633 1.521.863

MORRIS MORRIS, A. P. A.

The said report was read and referred to the same select committee to which is referred the three bills on the subject of an *ad valorem* system of taxation.

Mr. Morrison, from the joint committee for enrolled bills, reported—that they have compared the enrolled with the engrossed bill, entitled, "An act to amend the act to provide for incorporating a county seminary in the county of Clark;" approved, January 24, 1827, and find the same truly enrolled. When,

The speaker signed said bill.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The house took up and proceeded to consider the orders of the day.

The bill for the establishment of a state road from Middletown, in Shelby county, *via* Moscow, in Rush county, to intersect the Brookville state road, at or near Erasmus Aldridge's, was read the second time, and

Ordered to be engrossed for a third reading to-morrow;

The bill to open a state road from Raccoon ford, in Parke county, to Fort Wayne;

The bill for the relief of Walter Pennington, and for other purposes;

The bill authorising a certain lease therein named;

The bill to open and locate certain state roads, therein mentioned;

The bill to amend the act entitled "An act relative to crimes and punishments;" approved, January 20, 1824; and,

The bill to relocate a part of the state road leading from Rockport to Bloomington;

Were severally read the second time, and committed to a committee of the whole house for tomorrow,

The bill to repeal part of the act, entitled "An act regulating the manner of doing county business in certain counties therein named; and also to elect township officers;" approved, January 26, 1827; and,

The bill altering the line dividing the counties of Jefferson and Scott;

Were severally read the second time, and

Ordered to lie on the table.

The engrossed bill from the senate, entitled "An act to amend the act entitled an act for the relief of occupying claimants of land, was read the second time; when,

Mr. Armstrong moved to lay the same on the table:

Which motion was decided in the negative.

Mr. Hawk then moved to refer said bill to the committee on the judiciary:

Which motion was carried in the affirmative.

The engrossed bill from the senate, entitled "An act to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case, was read the second time; and,

The question being put, "Shall said bill pass to

a third reading to-morrow ;" the same was decided in the negative.

And so said bill was rejected.

The bill to amend the act entitled "An act regulating the interest of money in the state of Indiana;" approved, January 21, 1818, was read the second time: when,

Mr. Pennington moved to postpone the further consideration thereof, until the first Monday in August next.

Mr. Noble then moved to lay said bill on the table:

Which motion was decided in the negative.

The question recurring on Mr. Pennington's motion,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Bence, Blake, Boon, Crume, Davis of A., Davis of S., Dixon, Finley, Fite, Gardner, Hamilton, Hendricks, Herod, Hillis, Howk, Hussey, Jackson of S., Johnston of K., Jones, Ketcham, Kingsbury, Kinnard, Little, Long, McNary, Morrison, Pabody, Pennington, Pollock, Rariden, Smith, and Smiley, Speaker—34.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Brown, Casey, Coffin, Conner, Dumont, Evans, Guion, Hall, Hoover, Jack, Jackson of D., Levenworth, Leviston, Logan, Moyer, Noble, Parks, Polk, Read, Reiley, Slaughter, Stewart, Wallace of F., Wallace of J—26.

And so said motion was carried in the affirmative.

And then the house adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DECEMBER 23, 1829.

The house met pursuant to adjournment.

Mr. Johnston of T., presented a petition of William M. Douglass and others, citizens of Tippecanoe county, praying that commissioners may be appointed to relocate a part of the state road leading from New Castle, in Henry county, to Lafayette, in Tippecanoe county:

Which was read; and,

Ordered to lie on the table.

Mr. Johnston of T., also presented a remonstrance of Charles I. Hand and others, citizens of said county, against the prayer of said petitioner:

Which was read, and,

Ordered to lie on the table.

Mr. Johnston, of T., also, presented a petition of Nicholas Pence and others, inhabitants of the unorganized territory of this state, called Wabash county, praying the formation of a new county out of the same, and part of Tippecanoe county.

Which was read, and referred to a select committee of Messrs. Johnston of T., Beard, Kinnard, Hillis, and Davis of A.

Mr. Hoover, from the committee on elections, to which was referred a resolution of this house, relative to so amending the act regulating general elections, as to give to the boards doing county business, the power to open two election precincts, in such townships as may give more than five hundred votes, reported a bill to amend the act regulating general elections:

Which was read the first time and passed to a second reading to-morrow.

Mr. Read, from the committee of ways and means, to which was referred a resolution of this house, directing them to enquire into the expediency of increasing the premium on wolf scalps, report-

ed, that it is inexpedient to legislate on that subject:

Which report was read and concurred in by the house.

Mr. Johnston, of K., from the committee on the judiciary, to which was recommitted the bill respecting free negroes, mulattoes, servants and slaves, reported the same without amendment.

The said bill was then committed to a committee of the whole house for to-morrow.

Ordered, That sixty-five copies thereof be printed for the use of the members of this house.

Mr. Hall, from the same committee to which was referred a resolution of this house, directing an enquiry into the expediency of repealing so much of the 8th section of an act regulating the jurisdiction and duties of justices of the peace, as prohibits the circuit court, in appeal cases, from admitting the plaintiff or defendant amending the cause of action or grounds of defence, reported, that they have had the same under consideration, and believe that the provision in the act which requires the respective parties to file a statement in writing, of the cause of action or grounds of defence, was a judicious enactment by the legislature, by means of which the respective parties to a suit, can only learn what they have to answer or defend; and that it would be a violation of established rules, and operate unjustly, to permit either party to amend a statement in writing after a trial has been once had before a justice, and an appeal taken to the circuit court; and that, therefore, it would be injudicious to repeal that provision, referred to in said resolution.

Which report was read, and concurred in by the house.

Mr. Pennington from the committee on roads, to which was referred the bill for opening and repair-

ing public roads and highways, reported the same with sundry amendments:

Which were read at the clerk's table.

The said bill and amendments were then committed to a committee of the whole house for tomorrow.

A message was received from the senate by Mr. Test, their assistant secretary, announcing, that the senate has passed engrossed bills from the house of representatives, entitled acts, as follows, viz:

An act explaining and regulating jurisdiction;

An act to incorporate the Rising Sun seminary society;

An act concerning claims in the county of Henry;

An act to repeal an act entitled "An act to incorporate the townships of Shelby county;"

Each bill with amendments, in which they request the concurrence of the house of representatives.

The senate has also passed engrossed bills from the house of representatives, entitled acts, as follows, viz:

An act legalizing the proceedings of the board of justices of Pike county;

An act establishing a state road therein named, and for other purposes;

An act to relocate part of the state road from Vincennes to Spencer, in Owen county;

Without amendment.

The senate has also passed engrossed bills, originating in the senate, entitled acts, as follows, viz:

An act appointing commissioners to relocate the seat of justice in Dubois county;

An act to provide for the removal of obstructions to the navigation of Eel river.

An act to amend an act entitled "An act to amend an act for the incorporation of county libraries;" approved February 7, 1825.

In which several last mentioned bills the concurrence of the house of representatives is also requested.

The amendments proposed by the senate, to the first, second and third bills in said message, were severally read and agreed to, by the house.

Ordered, That the clerk inform the Senate thereof.

The amendment proposed by the senate, to the fourth bill, named in said message, was read and agreed to by the house, with an amendment.

Ordered That the clerk inform the senate thereof, and ask their concurrence.

The several engrossed bills from the senate, entitled acts, as set forth in the above message;

Were read the first time and passed to a second reading to-morrow.

Mr. McNary, from the select committee to which were referred a petition of sundry citizens of Decatur county, on the subject of the practice of medicine, and a resolution of this house on the same subject, reported a bill regulating medical societies.

Which was read the first time and parsed to a second reading to-morrow.

Mr. Slaughter, from the select committee to which was referred a petition of David Young, and others, citizens of Harrison county, reported, in pursuance of the prayer of the petitioners, a bill to authorize the qualified voters in the different townships, in said county, to elect township officers;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Wallace of F. from the select committee to which was referred the petition of David Mount, and others, praying for the relocation of a state road, therein named, reported a bill locating a state road from George Cline's, in Franklin conty, to the Lawrenceburgh state road on the west side of Flat Rock, in Decatur county.

Which was read the first time, and passed to a second reading to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Hussey, from the select committee to which was referred a petition of sundry citizens of Morgan county, reported a bill to extend the powers of the commissioners of said county, in a certain case therein named;

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Read,

Resolved, That the judiciary committee be instructed to enquire into the expediency of fixing on a day certain, for selling all property taken by virtue of an execution, issued from the docket of justices of the peace.

Mr. Pollock presented the following preamble and resolution;

Which was read and adopted, viz:

Whereas many cases may arise, which are not clearly defined in the act regulating divorces, approved January 22, 1828; therefore,

Resolved, That the judiciary committee be instructed to enquire into the merits and demerits of said act, particularly that part of it in favor of the fair part of creation.

On motion of Mr. Levenworth,

Resolved, That a select committee be appointed to take into consideration, and report upon the manner and effect of the prosecutions against the citizens of this state, by the United States, for trespass-

es committed upon the unappropriated lands within this state.

Ordered, That Messrs. Levenworth, Hawk, Hall, Blake and Herod, be said committee.

On motion of Mr. Guion,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of reporting a bill to repeal all laws requiring company, battalion or regimental musters, and to provide for the regular drilling of officers, and for the annual enrollment of the military strength of the state.

On motion of Mr. Johnston of T.,

Resolved, That the judiciary committee be requested to enquire into the expediency of so altering the law, that when any person or persons prosecuting in behalf of the state, before any justice of the peace, and shall not be able to sustain said action, shall be made liable for all costs thereon.

A mesage was received from the senate, by Mr. Test, their assistant secretary, announcing:

That the senate has passed an engrossed bill from the house of representatives, entitled an act supplemental to an act, entitled an act to establish a state road from Levenworth, by way of Boro, to Indianapolis, without amendment.

The senate has also passed engrossed bills originating in the senate, entitled acts, as follows, to wit:

An act to vacate the south end of Second street, in the town of Washington, Daviess county;

An act providing for the location, opening, and improvement of certain state roads;

In which I am directed to request the concurrence of the house of representatives;

The senate has also passed engrossed joint resolutions, as follows, viz:

A joint resolution, to the congress of the United States, requesting a corps of engineers, to examine and survey White river, and the east and west forks

thereof, and to examine, and if found practicable to survey a canal route to connect the Wabash and Erie canal with the Ohio river:

Also, a joint resolution memorializing congress upon the subject of colonizing the free people of color;

They have also passed an engrossed memorial, entitled a memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road;

In which joint resolution, and memorial the senate also request the concurrence of the house of representatives.

The engrossed bill from the senate, entitled an act, first named in said message, was read the first and second times, the rules of the house having first been dispensed with, and passed to a third reading to-morrow.

The other engrossed bill, from the senate, entitled an act; and the enrolled joint resolutions and memorial named in said message, were severally read the first time and passed to a second reading to-morrow.

A message was received from the senate by Mr. Dill, their secretary, announcing;

That the senate concur in the proposed amendment, made by the house of representatives, to the amendment proposed in the senate, to the engrossed bill of the house, entitled "an act to repeal an act, entitled an act to incorporate the townships in Shelby county.

On motion of Mr. Long,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the Militia law as to take from sheriffs the collection of militia fines, as well as those assessed against persons conscientiously scrupulous of bearing arms; and make it the duty of the officers composing the courts of assessment, to appoint one

or more persons in each regiment to collect the same.

On motion of Mr. Bell,

Resolved, That the committee of ways and means be directed to enquire into the expediency of so altering the revenue law, as not to compel collectors to pay the revenue into the treasury, before the first Monday in January in each year.

The house then proceeded to consider the orders of the day.

The bill for the relief of the securities of Samuel Postlewait;

The bill to amend the act authorizing domestic attachments, and to regulate the proceedings thereon;

The bill regulating Indian descents, and for other purposes;

The engrossed bill from the senate, entitled an act to amend an act, subjecting real estate to execution, approved January 30, 1824;

The engrossed joint resolution from the senate, on the subject of distributing the laws and journals of the last session of the general assembly;

The joint resolution requesting aid from congress for the purpose of erecting a hospital in this state, at some convenient point on the Ohio river, for the use of sick watermen;

The bill dividing the state into judicial circuits;

The bill to amend the act for the assignment of dower, approved January 7, 1824, and

The bill for taking the enumeration of the white male inhabitants over the age of twenty-one years in this state;

Were severally read the second time, and committed to a committee of the whole house for tomorrow.

The bill for the incorporation of the Eugene academy;

The bill authorising a reassessment in Gibson county;

The joint resolution to fill a vacancy in the board of visitors of the Indiana college;

The bill to relocate a part of the state road, leading from Madison to Lawrenceburgh;

The bill to amend the several acts appointing commissioners to relocate the seat of justice in Lawrence county; and,

The joint resolution relative to the Illinois grant;

Were severally read the second time, and

Ordered to be engrossed, and read a third time to-morrow.

The joint resolution on the subject of compensation to Philip Hedges, for distributing the laws and journals of last year,

Was read the second time, and committed to the same committee of the whole house, to which is committed a joint resolution from the senate, on the subject of distributing the laws and journals of the last session.

The bill concerning the state road from Indianapolis to Crawfordsville and Lafayette, was read the second time; when,

Mr. Rariden moved to amend the same, by adding at the end of the last section, the following proviso:

"Provided, however, that said bridge shall ever after its construction, be a free bridge:

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

The joint resolution to the congress of the United States on the subject of a canal from the Wabash to White river, thence to the Ohio river, was read the second time, and,

Ordered to lie on the table.

The engrossed bill supplemental to an act entitled an act to provide for a more certain return of votes for governor and lieutenant governor;

The engrossed bill repealing the act respecting certain public property in the county of Spencer; approved, 14th January, 1824;

The engrossed joint resolution relative to the Cumberland hospital;

The engrossed joint resolution, on the subject of graduating the price of the public lands, and donating the refuse to actual settlers;

The engrossed bill to amend the act entitled "An act to amend the act to establish a state library;" approved, February 4, 1825; and

The engrossed bill to establish a state road from Middletown, in Shelby county, *via* Moscow, in Rush county, to intersect the Brookville state road at or near Erasmus Aldridge's;

Were severally read the third time, and passed.

Ordered, That the said bills be entitled *Acts*, and that the clerk carry the same to the senate, together with the said joint resolutions, and ask their concurrence therein.

The engrossed joint resolution on the subject of colonizing the people of color, was read the third time, and

Ordered to lie on the table.

And then House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 24, 1829.

The house met pursuant to adjournment.

Mr. Boon presented a petition of Andrew Hamilton, and five hundred and seventeen others, citizens of Sullivan county, praying the relocation of the seat of justice of said county:

Which was read and referred to a select committee of Messrs. Boon, Reiley, Read, Blake and Johnston of K.

Mr. Gardner presented a remonstrance of Hugh Nuell and others, citizens of the state of Illinois, against the prayer of the petition of John M. Coleman and others, presented on yesterday:

Which was read, and referred to the committee on the judiciary.

Mr. Beard presented a petition of B. W. Hays and others, citizens of Warren and Fountain counties, praying the continuation of the state road, which leads from Indianapolis to Crawfordsville, through Attica to the state line in a direction towards Chicago:

Which was read and referred to the committee on roads.

Mr. Hillis from the committee on elections, to which was referred a resolution requiring them to enquire into the expediency of reporting a bill to this house, providing for taking the census; the taking of which shall be commenced on or before the first of next October, and finished by the middle of next November, reported, that they have had the same under consideration, and are of opinion, that the judiciary committee have reported a bill, which embraces all the subject matter contained in said resolution, and that it would be unnecessary to make any further report thereon, and ask to be discharged from any further consideration of the same.

Ordered, That said committee be discharged from the further consideration of said subject.

Mr. Rariden, from the committee on the judiciary, to which was referred a resolution of the house, requesting them to enquire into the expediency of making some reciprocal provisions with the states adjoining Indiana, by which witnesses, in the prosecution of criminal causes, may be compelled to attend such prosecutions from adjoining states, upon being served with process, reported, that they have had the subject under consideration, and are of

opinion, however desirable such reciprocal arrangements might be, that no such arrangement could be made or carried into effect, without an entire amalgamation of jurisdiction of all the states in this particular; and would be giving to each state (in coercing the attendance of witnesses) a jurisdiction coextensive with the United States, which would be a greater evil, than the one that might be remedied by such an arrangement. They therefore pray to be discharged from the further consideration of this subject.

Ordered, That the said committee be discharged from the further consideration thereof.

Mr. Rariden from the same committee to which was referred a resolution of the house, requesting them to enquire into the expediency of repealing the first section of the act to amend the act for the formation of congressional districts, and for the election of senators and representatives to congress; approved, January 19, 1829; reported, that they have had the subject under consideration, and deem the repeal of said section inexpedient; and therefore, ask to be discharged from the further consideration of said subject:

Which report was read; when,

Mr. Smith moved to lay the same on the table:

Which motion was decided in the negative.

The question then recurring on concurring in said report;

And the ayes and noes being required thereon; by two members,

Those who voted in the affirmative, are,

Messrs Armstrong, Beard, Bell, Bence, Boon, Coffin, Conner, Crume, Davis of A. Evans, Finley, Gardner, Hall, Hendricks, Herod, Hillis, Hoover, Hussey Jack, Jackson of D., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Long, McNary, Morrison, Moyer, Pabody, Polke, Rariden;

Bead, Reiley, Slaughter, Stewart, Wallace of F., Wallace of J. and Smiley *Speaker*—41.

And those who voted in the negative, are,

Messrs. Bassett, Blake, Casey, Davis of S., Dixon, Dumont, Fite, Guion, Hamilton, Hawk, Jackson of S., Johnston of K., Johnston of T., Logan, Noble, Parks, Pennington, Pollock, and Smith,—20.

And so said report was concurred in by the house.

Ordered, That said committee be discharged from the further consideration of the above subject.

Mr. Kingsbury, from the same committee, to which was referred a resolution of this house, instructing them to enquire, if any, what amendments are necessary to be made to the laws in force, regulating grist-mills and millers, reported, that they have had the same under their consideration; and in their opinion, no amendments are necessary; and ask to be discharged from the further consideration of that subject.

Which report was read and concurred in by the house.

Ordered, That said committee be discharged from the further consideration thereof.

Mr. Hawk, from the same committee to which was referred a resolution of this house, directing an enquiry into the expediency of amending so much of the revenue law as makes collector's deeds conclusive evidence of the regularity of the sale, reported, that they have had the subject under their consideration, and are of opinion, that that provision of the law has a salutary effect in ensuring the collection of the revenue, and although it may be considered as strong in favor of the purchaser for the non-payment of taxes; yet it extends to him no greater certainty in his title, than the law

gives to purchasers, at sheriffs' sales under execution; which your committee deem necessary to protect the interests of the state; and are, therefore of opinion, that any legislative enactment on the subject would be inexpedient:

Which report was read, and concurred in by the house.

Mr. Kingsbury, from the same committee, to which was referred a resolution of the house, instructing them to enquire into the justice and propriety of reporting to this house, a law exempting all revolutionary officers and soldiers, who now are, or hereafter may be citizens of this state, from imprisonment for debt, reported, that they have had the subject under consideration, and that it is inexpedient to legislate on that subject; that, in the opinion of said committee, the present laws afford sufficient protection to every citizen of the state; and ask to be discharged from the further consideration of the subject:

Which report was read; and,

On motion of Mr. Armstrong,

Ordered to lie on the table.

Mr. Jackson, of S., from the committee on claims, to which was referred the account of David Burr, Samuel Hanna and Jordan Vigus, commissioners of the Wabash and Miami canal, and the vouchers relative to the same, reported, that they have had the same under consideration, and find an error of \$3.90 in said account, which occurs in the memorandum, accompanying voucher No. 1, which error is in the addition of said memorandum: therefore, the whole amount expended by said commissioners, is \$1740.06 1-4, instead of \$1743.96 1-4, as set forth in said account, being \$740.06 1-4 more than has been appropriated by law for that purpose; therefore, said committee recommend the adoption of the following resolution, viz:

Resolved, That the committee of ways and means allow said commissioners, in the specific appropriation bill, the sum of \$740.06 1-4:

Which report was read, and

Ordered to lie on the table.

Mr. Brown, from the select committee, to which were referred sundry bills, relative to an *ad valorem* system of taxation, reported a joint resolution on the subject of taking the sense of the people on the adoption of such a system:

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Hamilton,

Resolved, That the committee on roads be instructed to enquire into the expediency of providing by law for the relocation of that part of the Mank's Ferry state road, that lies between the south bank of the east fork of White river and Brownstown.

On motion of Mr. Little,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of granting to collectors of county revenue a longer time to pay over the county revenue to the treasurer of their respective counties.

On motion of Mr. Evans,

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 37th section of an act entitled "An act regulating the practice in suits at law," as requires seals to wills.

Mr. Read, after having obtained leave, presented a joint resolution relative to the three per cent. fund:

Which was read the first and second times, the rules of the house having first been dispensed with; and

Ordered to be engrossed, and read a third time to-morrow.

Mr. Morrison, from the joint committee for enrolled bills, reported, that they have compared the following enrolled with the engrossed bills, entitled *Acts*, viz:

An act explaining and regulating jurisdiction;

An act establishing a state road therein named, and for other purposes;

An act supplemental to an act entitled "An act to establish a state road from Levenworth by the way of Bono to Indianapolis;

An act legalizing the proceedings of the board of justices of Pike county;

An act to repeal an act, entitled "An act to incorporate the townships of Shelby county;"

And find the same truly enrolled.

When, the speaker signed said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

On motion of Mr. Herod,

The vote rejecting (on the question to pass to a third reading) the engrossed bill from the senate, entitled "An act to authorise the circuit court of the county of Vanderburgh to change the venue in a certain case, was reconsidered;

And the said bill was then referred to the committee on the judiciary.

Mr. Brown from the joint committee for enrolled bills, reported, that they did, on this day, present to the governor, for his approval and signature, the following enrolled bills, entitled *Acts*, to wit:

An act to relocate part of the state road, leading from the Ohio line, by Abbington and Waterloo, to Connersville;

An act to amend the act, entitled "An act to provide for incorporating the county seminary in the county of Clark;" approved January 26, 1827;

And also, a joint resolution, relative to the western mail stage route, from Louisville, Kentucky, to St. Louis, in Missouri.

On motion of Mr. Wallace of J.,

The engrossed bill from the senate, entitled an act, concerning the Farmers' and Mechanics' bank of Indiana, was taken up, when he moved to amend the same, by adding at the end of the fifth section, the following proviso:

"Provided however, that nothing in this act contained, shall be so construed as to interfere in any manner, with vested rights, nor shall the franchises herein granted, extend to a period beyond the limits of the charter of said institution, which will expire on the first day of January, 1835."

Which motion was carried in the affirmative.

Mr. Johnston of K., then moved further to amend said bill by adding at the end of the third section, the following:

"Provided however, that nothing in this act shall authorise or empower the said board of directors to issue or put in circulation any paper money or evidences to represent currency;"

Which motion was decided in the negative.

Ordered, That the said amendment be engrossed and that the said bill be read a third time to-morrow.

The house then proceeded to consider the orders of the day.

The bill to extend the powers of the commissioners of Morgan county, in a certain case therein named;

Was read the second time, when

Mr. Kinnard moved to amend the same, by adding the following as an additional section thereto, viz:

SEC. 3. Be it further enacted, that the provisions of this act be, and they are hereby extended to the board of justices of the county of Marion, provided, that if said board should not deem it expedient to contract with owners of ferries, on White river in the county of Marion, for the ferriage of all persons living on the west side of said river, required to

cross said river to do military duty, when the same is not fordable, such persons shall not be liable to be fined for the non-performance of such duty;

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

The bill locating a state road from George Kline's, in the county of Franklin, to Flat Rock in Decatur county;

The bill to amend an act regulating General elections; and

The bill to authorize the qualified voters of the different townships in Harrison county, to elect township officers, were severally read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the senate, entitled an act to amend the act entitled an act incorporating county libraries, and

The engrossed memorial from the senate, on the subject of continuing the construction of the Cumberland road, were severally read the second time and passed to a third reading to-morrow.

The engrossed bill from the senate, entitled an act appointing commissioners to relocate the seat of Justice of Dubois county, was read the second time and ordered to lie on the table.

The bill regulating medical societies was read the second time and committed to a committee of the whole house, for Monday next.

The engrossed bill from the senate, entitled an act, providing for locating opening and improving of certain state roads, and

The engrossed joint resolution from the senate, memorializing Congress on the subject of colonizing the free people of color, were severally read the second time and committed to a committee of the whole house for to-morrow.

The engrossed joint memorial from the senate to

the congress of the United States, requesting a corps of engineers to examine and survey White river, and the east and west forks thereof, and to examine and if found practicable, survey a canal route to connect the Wabash and Erie canal with the Ohio river, was read the second time and referred to the same select committee to which is referred a joint resolution of this house on the same subject.

The engrossed bill from the senate, entitled an act for the removal of obstructions to the navigation of Eel river, was read the second time; when

Mr. Boon moved to amend said bill by adding at the end thereof, the following additional sections, to wit:

SEC. 6. And be it further enacted that the sum of one hundred and fifty dollars out of the three per cent. fund is hereby appropriated for the improvement of Busseron creek, in the county of Sullivan, and Orsen Willard, is hereby appointed a commissioner to draw, and lay out said money, and the said commissioner shall have power to expend said money in such way and manner for the improvement of said creek as to him may seem best and proper.

SEC. 7. Before the said commissioner shall be authorised to receive said money of the agent of the three per cent. fund, he shall first file a bond with one or more freehold securities, to be approved of by the clerk of the circuit court of Sullivan county, in the office of said clerk, in the penalty of three hundred dollars, payable to the treasurer of state, conditioned for the faithful appropriation of said money, according to the true intent and meaning of this act. The certificate of the clerk of said county, that the requisitions of this section have been complied with, shall be sufficient authority for the agent of the three per cent. fund, to pay over said money to the said Willard.

SEC. 8. It shall be the duty of the said commis-

sioner to be governed in all respects, by the fourth section of this act, and shall receive like compensation for his services;

Which motion was carried in the affirmative.

Ordered, That said amendment be engrossed and that said bill be read the third time to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The engrossed bill for the relief of Martha McBride, was read the third time;

And the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Blake, Brown, Casey, Coffin, Conner, Davis of A., Davis of S., Evans, Gardner, Guion, Hall, Hendricks, Herod, Hillis, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Pennington, Read, Reiley, Slaughter, Stewart and Wallace of J.—36.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Boon, Crume, Dixon, Dumont, Finley, Fite, Hamilton, Hoover, Howk, Johnston of T., Jones, Ketcham, Kinnard, Leviston, Loog, Noble, Parks, Polke, Pollock, Rariden, Wallace of F., and Smiley, Speaker—24.

And so said bill passed.

Ordered, That the same be entitled 'an act,' and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill for the incorporation of the Eugene academy;

The engrossed bill to relocate part of the state road leading from Madison to Lawrenceburgh;

The engrossed bill concerning the state road from Indianapolis to Crawfordsville and Lafayette;

The engrossed bill authorizing a re-assessment in Gibson county;

And the engrossed bill to amend the act, entitled an act, appointing commissioners to relocate the seat of justice of Lawrence county, approved December 26, 1828;

Were severally read the third time and passed.

Ordered, That the same be entitled 'acts,' and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed joint resolution relative to the Illinois grant;

And the engrossed joint resolution to fill a vacancy in the board of visitors to the Indiana college;

Were severally read the third time and passed.

Ordered, That the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill from the senate, entitled an act to vacate the south end of second street in the town of Washington, in the county of Daviess, was read the third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

Mr. Johnston of K., moved to postpone the several orders of the day, which precede the engrossed bill from the senate, entitled an act providing for the location, opening and improving certain state roads; and that the committee of the whole house to which the same is committed, be discharged from the further consideration thereof;

Which motion was carried in the affirmative.

Mr. Rariden moved to amend the eighth section thereof, by striking out the name of "Jacob Thornburgh, of the county of Henry," and inserting in lieu

there of, the name of "Thomas Cranor, of Wayne county:"

Which motion was carried in the affirmative.

Mr. Rariden moved further to amend said bill, in the eighth section by striking out the words "Economy, thence on a new location, the nearest and best route to Logansport," and inserting in lieu thereof, these words, "Washington, thence the nearest and best way via Munceytown, in Delaware county, and Miamiesport, in Cass county, to Logansport, in the said county of Cass;"

Which motion was also carried in the affirmative.

Mr. Ketcham moved further to amend said bill, in the first section, by inserting before the word "Bloomington," these words, "Bono, in Lawrence county, to."

Mr. Parks moved to amend the proposed amendment, by inserting after the word "Bono," these words, "by way of Bedford;"

Which motion was carried in the affirmative.

Mr. Ketcham's amendment, as amended, was then agreed to by the house.

Mr. Long, moved further to amend said bill, in the thirteenth section, and fourth line, by filling the blank with 'Hancock:'

Which motion was also carried in the affirmative.

Mr. Gardner moved further to amend said bill, in the fifteenth section by inserting after the word "from," these words, "the Army ford, on Raccoon creek, in Parke county, by way of Montezuma, Newport, and the county road to Eugene, thence to Perrysville, Covington, Portland, Attica, and:"

Which motion was also carried in the affirmative.

Ordered, That said amendments be engrossed, and that said bill be read the third time to-morrow.

On motion of Mr. Brown,

Ordered, That Mr. Jackson of D., have leave to

be absent from the service of this house until Monday next.

And then the house adjourned until Saturday morning, 9 o'clock.

SATURDAY MORNING, DECEMBER 26, 1829.

The house met pursuant to adjournment.

Mr. Long presented a petition of Palmer Patrick and others, citizens of Madison county, praying the location of a state road, from Pendleton, in said county, by Dotey's mill, to Indianapolis:

Which was read, and referred to a select committee of Messrs. Long, Conner and Kinnard.

Mr. Moyer presented a petition of Uriah Glover, of Orange county, praying that articles of impeachment may be preferred against William Hoggatt, clerk of the court of said county, for certain alleged malfeasance in office:

Which was read and referred to the committee on the judiciary.

Mr. Moyer, also, presented a communication from the said Hoggatt, it being a transcript from the records of said court, of the case in which the malfeasance was charged, in said petition, to have been committed:

Which was read, and referred to the same committee.

Mr. Johnston, of T., presented a petition of B. M. Hays and others, citizens of Warren and Fountain counties, praying an alteration in the boundaries of said counties; and, also, a relocation of the seat of justice, of the county of Warren:

Which was read, and referred to a select committee of Messrs. Johnston of T., Beard, Davis of A., Gardner and McNary.

Mr. Beard presented a remonstrance of William Harrison and others, citizens of said counties, against the prayer of the petitioners:

Which was read and referred to the same select committee.

Mr. Jackson, of S., presented a petition of Aaron Hogland and others, citizens of Jefferson and Scott counties, praying that a part of Jefferson county may be attached to the county of Scott:

Which was read, and referred to the same select committee, to which is referred the petition of Henry Burch and others, on the same subject.

Mr. Kinnard presented a petition of Joseph Staton and others, citizens of Marion county, praying a review and relocation of that part of the state road, leading from Indianapolis to Lafayette, which lies between the former place and Big Eagle creek:

Which was read and referred to the committee on roads.

Mr. Kinnard also presented a remonstrance of Abraham Coble and others, citizens of said county against the prayer of said petitioners:

Which was read, and referred to the same committee.

Mr. Brown, from the joint committee for enrolled bills, reported, that they did, on the 24th of this instant, present to the governor for his approval and signature, the following enrolled bills, entitled *Acts*, to wit:

An act establishing a state road therein named, and for other purposes;

An act explaining and regulating jurisdiction;

An act supplemental to an act, entitled "An act to establish a state road, from Levenworth, by way of Bono, to Indianapolis;"

An act legalizing the proceedings of the board of justices in Pike county; and,

An act to repeal the act, entitled "An act to incorporate the townships in Shelby county.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate has passed engrossed bills, entitled *Acts*, as follows, viz:

An act to provide for the public printing, and for other purposes;

An act for the relief of Paul Casselberry, late commissioner on the state road, leading from Fredonia, to the mouth of the Wabash river;

An act appointing Asher Labertew agent of the reserved townships of land, in Monroe county, and for other purposes;

An act to amend an act, entitled "An act to authorise the sale of the school lands, and for other purposes;" approved, 23d January, 1829;

In which they ask the concurrence of the house of representatives.

The said bills were then severally read the first time, and passed to a second reading on Monday next.

Mr. Read, from the committee of ways and means, to which was referred a resolution of this house, directing them to enquire into the expediency of altering the revenue law, as not to compel collectors to pay the state revenue into the treasury before the first Monday in January, in each year, reported that they have had the same under consideration, and are of opinion, that it would be inexpedient to make any change as to the time of paying over the state revenue:

Which was read; when,

Mr. Pennington moved to lay the same on the table:

Which motion was decided in the negative.

The question then recurring on concurring in said report;

It was carried in the affirmative.

Mr. Rariden, from the committee on the judiciary, to which was referred the petition of John M. Coleman and sundry citizens of Vermillion county, reported a bill to amend an act, entitled "An act relative to navigable streams, declared highways, by the ordinance of 1787;" approved, January 23, 1829:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Herod, from the same committee, to which was referred a resolution of the house upon the subject of repealing so much of the revenue law as imposes a tax of fifty cents upon original process, reported a bill to amend the act for assessing and collecting the revenue; approved, January 30, 1824:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Crume, from the committee on roads, to which was referred the petition of John McCoy and others, reported a bill to locate a certain state road therein named, and for other purposes:

Which was read the first time, and passed to a second reading on Monday next.

On motion of Mr. Boon,

The vote on concurring in the report of the committee on claims, relative to the petition of Jesse Wright, was reconsidered;

And the said report was then recommitted to the same committee.

On motion of Mr. Morrison,

Resolved, That the committee on elections be instructed to enquire into the expediency of members of the general assembly of this state being permitted to hold offices or appointments, emanating from the legislature of this state, or holding offices or appointments under the general government of the United States. while, in the first instance, they are permitted to supervise and decide upon their own official acts; and in the second view, whether it be

consistent with the policy of our government, that any person be both the officer of the state of Indiana, and of the United States, at the same time.

Mr. Levenworth moved the following resolution, viz:

Resolved, That the committee on roads be instructed to enquire into the expediency of memorializing Congress to appropriate a sufficient quantity of the unappropriated second and third rate lands (being in the counties through which the mail route from New Albany to Evansville passes,) to bridge all the principal water courses crossing said mail route, and which, occasionally, by high water, prevent the passage of the mail on that route.

Mr. Wallace of J., moved to amend said resolution by striking out "the committee on roads," and inserting "a select committee."

Mr. Brown, then moved to lay said resolution and proposed amendment on the table;

Which motion was decided in the negative.

The question was then put, on Mr. Wallace's amendment, and carried in the affirmative.

The question then recurring on the adoption of said resolution, as amended;

It was carried in the affirmative.

Ordered, That Messrs. Levenworth, Slaughter and Evans, be said committee.

On motion of Mr. Logan,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the militia law as to require but one days regimental drill muster, in each year, in the several regiments in this state.

On motion of Mr. Polke.

Resolved, That the committee on elections be instructed to enquire into the expediency of so amending the law now in force, in this state, as to require constables to be elected by the qualified voters of each township.

On motion of Mr. Herod,

Resolved, That the committee on education be directed to enquire into the expediency of so amending the law regulating the sale of school lands, as to authorize the trustees of each congressional township, to receive annually from the school commissioner, in their respective counties, their equal dividend of the proceeds of said fund, to be by them carefully appropriated for the use of schools in their respective townships, with an eye to equality and convenience.

On motion of Mr. McNary,

Resolved, That a select committee be appointed to memorialize Congress, for the purpose of obtaining a sufficient donation of the unappropriated lands to make a good and sufficient turnpike road from Indianapolis by Greencastle to Terre Haute.

Ordered, That Messrs. McNary, Blake, Hussey, Kinnard and Dixon, be said committee.

Mr. Levenworth, after having obtained leave, presented a joint resolution, making reciprocal provisions to aid in the prosecution of crimes committed in this state and adjoining states:

Which was read the first time and passed to a second reading on Monday next.

Mr. Slaughter, after having obtained leave, presented a joint resolution, relative to the establishment of a medical college:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Davis of A., after having obtained leave, presented a bill supplemental to an act providing for the opening of a state road in the county of Allen;

Which was read the first time, and passed to a second reading on Monday next.

The Speaker laid before the house, the report of the trustees of the seminary fund from the following counties, viz:

Montgomery, Decatur, Bartholomew, Hancock and Marion;

Which were read and referred to the committee on education.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The joint resolution on the subject of taking the sense of the people, on the adoption of an ad valorem system of taxation, was read the second time; when

Mr. Noble moved to amend the same, by striking out the preamble thereto, after the word, whereas, which reads in the words following, viz:

“An ad valorem system of taxation is deemed the only equal and just plan of raising a revenue, but as it is doubtful whether the people are willing to change the present system.”

Mr. Crume, moved to amend the said amendment by striking out the words ‘the only,’ and inserting the word ‘an,’ in lieu thereof;

Which motion was carried in the affirmative.

Mr. Hall then moved to recommit said joint resolution to the same committee that reported the same, with instructions to said committee, to report a bill on the ad valorem system of taxation, that the same may be published and distributed among the people, in the several counties in this state.

Mr. Boon moved to amend said instructions, by adding at the end thereof, these words—“and it shall be the duty of said committee, to make it the duty of the inspectors of elections to read said bill to each voter on the day of election;

Which motion was carried in the affirmative.

The question recurring on the motion to recommit, with said instructions, as amended;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs Armstrong, Bassett, Beard, Bence, Casey, Crume, Davis of A., Evans, Finley, Fite, Hall, Hamilton, Hillis, Hoover, Hawk, Jack, Jackson of S., Johnston of K., Jones, Kingsbury, Levenworth, Leviston, Morrison, Noble, Pabody, Parks, Pennington, Polke, Pollock, Rariden, Stewart, Wallace of F., and Smiley, Speaker—33.

And those who voted in the negative, are,

Messrs. Bell, Blake, Boon, Brown, Coffin, Conner, Dixon, Dumont, Gardner, Guion, Hendricks, Herod, Hussey, Johnston of T., Ketcham, Kinnard, Little, Logan, Long, McNary, Read, Slaughter, Smith, and Wallace of J —24.

And so said motion was carried in the affirmative.

And then House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, DECEMBER 28, 1829.

The house met pursuant to adjournment.

Mr. Johnston, of T., presented a petition of Joseph Hill and others, citizens of Hendricks, Wabash and Carrol counties, praying the location of a state road from Danville by way of Jefferson, to Delphi;

Which was read and referred to the committee on roads.

The speaker laid before the house a petition on the subject of the Indiana college:

Which was read; and,

Ordered to lie on the table.

Mr. Hall, from the committee on the judiciary,

to which was referred the petition of Levi Cobb, of Floyd county, praying articles of impeachment may be preferred against Caleb Newman, a justice of the peace of said county, for certain alleged malfeasance in office, made a report thereon in writing :

Which was read ; and,

Ordered to lie on the table.

Mr. Johnston, of K., from the judiciary committee, who were instructed to enquire into the expediency of fixing on a day certain, for selling all property taken by virtue of an execution, issued from the docket of justices of the peace, reported, that they have had the same under consideration ; that said committee view further legislation on that subject, at this time inexpedient :

Which report was read and concurred in by the house.

Mr. Pennington, from the committee on roads, to which was referred the petition of Campbell Day and others, reported a bill to change a part of a state road therein named :

Which was read the first time and passed to a second reading to-morrow.

Mr. Morrison, from the joint committee for enrolled bills, reported that they have compared the following enrolled with the engrossed bills, to wit :

An act to incorporate the Rising Sun Seminary Society ;

An act concerning claims in the county of Henry ;

An act to relocate part of the state road from Vincennes to Spencer, in Owen county ;

And find the same truly enrolled.

When, the speaker signed said bills.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

Mr. Johnston, of T., from the select committee, to which was referred the petition of Nicholas Pine and others, praying to have a new county laid off

and organized, east of the county of Tippecanoe, reported a bill, in pursuance of the prayer of the petitioners:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Bence, from the select committee, to which was referred the petition of James Johnston and others, praying that a part of Clark county may be attached to the county of Floyd, reported a bill in pursuance of the prayer of the petitioners:

Which was read the first time, and passed to a second reading to-morrow.

The speaker laid before the house the following communication from the governor:

INDIANAPOLIS, INDIANA, }
Dec. 26, 1829. }

ROSS SMILEY,

Speaker of the H. of Representatives.

SIR: I hereby inform you, that Israel P. Griffith is authorised to deliver messages to the house of representatives, over which you have the honor to preside, for me.

I am, Sir, yr. obt. servt.

J. BROWN RAY.

The following message was received from the governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested, by the governor, to inform this house, that he did, on this day, approve and sign the following bills and joint resolutions, to wit:

A joint resolution relative to the western mail route, from Louisville, in Kentucky, to St. Louis, in Missouri;

An act to repeal an act, entitled "An act to incorporate the townships in Shelby county ;"

An act supplemental to an act, entitled "An act to establish a state road from Levenworth, by way of Bono, to Indianapolis ;"

An act establishing a state road therein named, and for other purposes ;

An act explaining and regulating jurisdiction ;

An act legalizing the proceedings of the board of justices of Pike county ;

And, also, that he did, on the 26th instant, approve and sign, An act to amend the act, entitled "An act to provide for incorporating a county seminary, in the county of Clark ;" approved, January 26, 1827.

Mr. Dumont moved the following preamble and resolution :

WHEREAS, inconveniences have arisen, and may hereafter arise, by reason of private persons, who have had, and may have, women, children and colored people, unlawfully in their possession, disobeying the writs of habeas corpus, and removing the subjects of such writs out of the jurisdiction of the officers who issued, or may issue the same :

Therefore,

Resolved, That the judiciary committee be instructed to enquire whether any, and what remedy may be necessary to be made in the habeas corpus act, to meet any such contingency.

Mr. Rariden moved to amend said resolution, by striking out the words, "the judiciary committee be instructed," and inserting in lieu thereof, the words, "that a select committee be appointed ;"

Which motion was carried in the affirmative :

The said resolution, as amended, was then adopted by the house.

Ordered, That Messrs. Dumont, Bassett and Levenworth be said committee.

On motion of Mr. Leviston,

Resolved, That the committee of ways and means be requested to enquire into the expediency of so amending the law on the subject of assessing and collecting the revenue, as to provide that the rates of land be ascertained by the comparative quality of the land in the state, its local advantages, &c.

Mr. Hoover moved the following resolution, viz:

Resolved, That the committee on the judiciary be directed to enquire into the expediency of reporting a bill to this house, to punish by fine or imprisonment, any person or persons, who may retail spirituous liquors to any Indian or Indians, within the limits of this state.

And the question being put "Shall said resolution be adopted?"

It was decided in the negative.

On motion of Mr. Smith,

Resolved, That a select committee be appointed to enquire into the propriety and necessity of memorializing Congress on the subject of extending further relief to the holders of forfeited land certificates.

Ordered, That Messrs. Smith, Crume and Wallace of F., be said committee.

Mr. Wallace of Jefferson, after having obtained leave, presented a bill to incorporate the Madison seminary society;

Which was read the first time and passed to a second reading to-morrow.

The house then, proceeded to consider the orders of the day.

The engrossed bill from the senate, entitled an act to amend an act, entitled an act to authorize the sale of the school lands and for other purposes, approved, January 23, 1829;

Was read the second time and ordered to lie on the table.

The engrossed bill from the senate, entitled an act, appointing Asher Labertew, agent of the re-

serve township of land in Monroe county, and for other purposes;

The engrossed bill from the senate, entitled an act, for the relief of Paul Castlebury, late commissioner on the state road leading from Fredonia, to the mouth of the Wabash river; and

The engrossed bill from the senate, entitled an act to provide for the public printing, and for other purposes;

Were severally read the second time, and committed to a committee of the whole house.

Mr. Blake moved to postpone for the present, the orders of the day, which precede the joint resolution of this house, and the joint resolution from the senate, ratifying the compact between the states of Ohio and Indiana, and that the house resolve itself into a committee of the whole, on the same:

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole, on the said joint resolutions, and after some time spent therein, the speaker resumed the chair, and Mr. Read reported progress, and asked leave to sit again;

Which leave was granted by the house.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment;

And again, resolved itself into a committee of the whole, on the joint resolutions above named, on the subject of ratifying the compact with the state of Ohio, in relation to the canal lands.

And after some time spent therein, the speaker resumed the chair, and Mr. Read reported progress, and asked leave to sit again;

Which leave was granted by the house.

And then the house adjourned, until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 29, 1829.

The house met pursuant to adjournment.

Mr. Gardner presented a petition of Philip Hedges, praying compensation for distributing the laws and journals of the last session of the general assembly;

Which was read and referred to the committee on claims.

Mr. Conner, presented a petition of John D. Stevenson and others, citizens of Madison and Hamilton counties, praying that the Michigan road between Logansport and Indianapolis, may be relocated, so as to pass through the town of Noblesville;

Which was read, and referred to the same select committee, to which is referred another petition on the same subject.

Mr. Read from the committee of ways and means, to which was referred a resolution of the house, instructing said committee to enquire into the expediency of granting collectors of county revenue, a longer time to pay over the same to the county treasurer of their respective counties:

Reported, that they are of opinion that further legislation on that subject would be inexpedient;

Which report was read and concurred in by the house.

Mr. Rariden, from the committee on the judiciary, to which was referred the petition of Uriah Glover, exhibiting charges and praying an impeachment of Willian Hoggatt, clerk of the Orange circuit court, reported that they have investigated said charges, and find that the grievance complained of

by said petitioner, is that the petitioner at the July term, 1828, of the Orange circuit court, being a judgment debtor, upon a judgment rendered at said term, for six dollars debt, and near fifty dollars in costs, after paying the clerk's costs, was desirous to have the benefit of the stay of execution, by replevying the residue of said judgment, and for that purpose, applied to the said William Hoggatt, clerk of said court, but that said Hoggatt, clerk as aforesaid, would not permit him to replevy the same, for more than sixty days, and that Hoggatt, at the end of the said sixty days stay, actually as clerk, issued execution for the balance of said judgment and caused the same to be collected.

The said committee, after due deliberation, have come to the conclusion, (although in their opinion the petitioner was entitled, under the laws of the land, to a longer stay of execution,) that the said William Hoggatt, clerk as aforesaid, acted in good faith, under an erroneous impression, of the rights of the petitioner, under the statute, regulating stays of execution, and that therefore he ought not to be impeached.

Hence they pray to be discharged from the further consideration of said petition;

Which report was read, and concurred in by the house.

Mr. Pennington, from the committee on roads to which was referred the petition of Joseph Staton, and others, praying for a relocation of part of the state road leading from Indianapolis to Lafayette, which lies between Big Eagle creek and Indianapolis, accompanied by a remonstrance against the same, reported that they have had the same under consideration, and are of opinion that the prayer of the petitioners ought not to be granted;

Which was read and concurred in by the house.

Mr. Blake, from the committee on canals and in-

ternal improvements, reported; a bill providing means to construct the Wabash and Erie canal, within the state of Indiana;

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for to-morrow.

Ordered, That five hundred copies of said bill be printed for the use of the members of this house.

Mr. Jackson of D., who, on Thursday last, obtained leave of absence from the services of this house, until this day, appeared and took his seat.

A message was received from the senate, by Mr. Test, their assistant secretary announcing;

That the senate has passed engrossed bills, entitled acts as follows, viz:

An act to authorize the collector of the revenue of Jackson county, for 1829, to sell certain lands for taxes due thereon, and for other purposes;

An act requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof;

Also, they have passed an engrossed joint resolution, entitled, a joint resolution on the subject of canal lands, donated to Indiana, by Congress;

To which acts, and joint resolution, they request the concurrence of the house of representatives:

Which said bills and joint resolution, mentioned in the foregoing message, were then severally read the first time, and passed to a second reading to-morrow.

Mr. Brown, from the joint committee for enrolled bills reported, that they did on this day present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to incorporate the Rising Sun seminary society;

An act concerning claims in the county of Henry, and

An act to relocate part of the state road from Vincennes, to Spencer in Owen county.

A message was received from the senate by Mr. Test, their assistant secretary announcing —

That the senate has passed engrossed bills from the house of representatives, entitled acts as follows, viz:

An act to incorporate the Crawfordsville seminary:

An act supplemental to an act entitled an act to provide for a more certain return of votes for Governor and Lieutenant Governor, approved, December 31, 1825;

An act to amend an act entitled an act to amend an act to establish a state library, approved, February 4, 1825;

An act for the incorporation of the Eugene academy;

The first named bill with amendments, in which the senate request the concurrence of the house of representatives; the three last without amendment.

The senate has also passed engrossed bills, originating in the senate, entitled acts as follows, viz:

An act to provide for taking the enumeration of the white male inhabitants, above the age of twenty one years, in this state, and

An act to amend an act to organize Probate courts, and defining the powers and duties of executors and administrators, approved January, 23, 1829;

To which also, the senate requests the concurrence of the house of representatives.

The amendments proposed in the senate, to the first bill named in said message, were severally read and agreed to by the house:

Ordered, That the clerk inform the senate thereof.

The fifth bill mentioned in said message was read the first time and passed to a second reading tomorrow, and

The sixth and last bill, mentioned in the same, was read the first and second times, the rules of the house having first been dispensed with, and committed to the same committee of the whole house, to which is committed a bill of this house, on the same subject.

On motion of Mr. Ketcham,

Resolved, That the committee on claims be required to examine further into the claims of Jesse Wright and Solomon Green, for pay for thirteen days, each, spent in travelling to Kentucky, (capturing Nathan Baker, a fugitive from justice,) and returning with said Baker to Monroe county, in accordance with a command and authority, given them by his excellency, J. B. Ray, governor.

Mr. Rariden, after having obtained leave, presented a bill to amend the act relative to crimes and punishments. (By the provisions of this bill, the jury, in cases of petit larceny, are authorized, at their discretion, to inflict any number of stripes, not exceeding thirty-nine:)

Which was read the first time; when,

Mr. Bassett moved to reject the same;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Brown, Casey, Coffin, Crume, Davis of A., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hamilton, Hendricks, Herod, Hillis, Hoover, Hawk, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Kingsbury, Kinnard, Levenworth, Leviston, McNary, Pabody, Pennington, Polke, Pollock, Read, Reiley, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker—46.

And those who voted in the negative, are,

Messrs. Boon, Conner, Davis of S., Fite, Hall, Ketcham, Little, Logan, Long, Noble, Parks, Rariden, and Slaughter—13

And so said bill was rejected.

Mr. Jackson, of S., after having obtained leave, presented a bill to amend the act entitled "An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein;" approved, January 24, 1824:

Which was read the first time, and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day;

The bill to locate a certain state road therein named, and for other purposes;

The bill to amend the act entitled "An act relative to navigable streams declared highways by the ordinance of Congress of 1787, approved, January 23, 1829;

The bill to attach part of Clark county, to the county of Floyd;

The joint resolution making reciprocal provisions to aid in the prosecution of crimes committed in this state, and the adjoining states;

The bill to amend the act for assessing and collecting the revenue, approved, January 30, 1824;

The bill to incorporate the Madison Seminary society;

The bill for the formation of a new county, east of Tippecanoe county; and,

The bill to change a part of a state road, therein named;

Were severally read the second time, and committed to a committee of the whole house, for to-morrow.

The bill supplementary to the act, entitled An act providing for the opening of a state road, in the county of Allen; and,

The joint resolution relative to the establishment of a medical college;

Were severally read the second time, and,

Ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Read,

The several orders of the day, which precede the joint resolution, relative to the three per cent. fund, were for the present postponed; and the said resolution was read the third time; when,

Mr. Coffin moved to recommit the same to a committee of the whole house, for this day:

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole, on the above joint resolution; and after some time spent therein, the speaker resumed the chair, and Mr. Brown reported the same without amendment.

Mr. Coffin then moved to amend said joint resolution, by striking out, in the latter clause of the same, these words, "and fifty-nine dollars, eighty-two cents:"

Which motion was carried in the affirmative.

The said joint resolution was then read the third time and passed.

Ordered, That the clerk carry the same to the senate, and ask their concurrence therein.

Mr. Morrison, from the joint committee for enrolled bills, reported,

That they have compared the enrolled with the engrossed bills, entitled,

An act to vacate the south end of second street in the town of Washington, Daviess county;

An act for the incorporation of the Eugene academy;

An act to amend an act, entitled an act to amend an act to establish a state library, approved, February 4, 1825;

An act supplemental to an act, entitled an act, to provide for a more certain return of votes, for Governor and Lieutenant Governor, approved, December 31, 1825;

And find the same truly enrolled.

When the speaker signed the said bills.

Ordered, That the clerk carry the same to the senate, for the signature of their President.

The engrossed bill from the senate, entitled an act providing for the location, opening and improvement of certain state roads;

Was read the third time, amended by consent, and passed.

Ordered, That the clerk carry the same to the senate, and ask their concurrence in said amendments.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Engrossed bills and a joint memorial from the senate, of the following titles, viz:

An act concerning the Farmers' and Mechanics' bank of Indiana;

A memorial on the subject of continuing the construction of the Cumberland road;

An act to amend the act entitled an act to amend the act, for the incorporation of county libraries, approved February, 7, 1825;

An act to provide for the removal of obstructions to the navigation of Eel river;

Were severally read the third time and passed; the first with one amendment, the others without amendment.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in the amendment to the first named bill.

Engrossed bills of this house of the following titles, viz:

A bill to amend the act regulating general elections;

A bill to extend the powers of the commissioners

of Morgan county, in a certain case therein named;

A bill to establish a state road from George Klimes, in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county;

A bill to authorize the qualified voters of the different townships in the county of Harrison, to elect their township officers;

Were severally read the third time and passed:

Ordered, That the same be entitled *Acts*,

And that the clerk carry the same to the senate, and ask their concurrence therein.

The house again resolved itself into a committee of the whole, on the engrossed joint resolution from the senate, ratifying, with one fundamental condition, the compact entered into between Wyllys Siliman, commissioner on the part of the state of Ohio, and Jeremiah Sullivan, commissioner on the part of the state of Indiana, on the subject of the Wabash and Erie canal; and on a joint resolution of this house, on the same subject;

And after some time spent therein, the speaker resumed the chair, and

Mr. Read reported progress, and asked leave to sit again.

Which leave was granted by the house;

And then the house adjourned, until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 30, 1829.

The house met pursuant to adjournment.

Mr. Howk presented a petition of John F. Ross and others, citizens of Clark county, praying that measures may be provided by law, for the education of *deaf* and *dumb* children in this state:

Which was read, and referred to the committee on education.

Mr. Kinnard presented a petition of Martin Martindale and others, praying the location of a state road, from the national road, two miles west of White river, running so as to intersect the state road leading from Indianapolis to Lafayette, near Bush's run:

Which was read, and

Ordered to lie on the table.

Mr. Long presented a petition of O. H. Sweem and others, citizens of Hancock county, praying that a new regiment may be organized in said county:

Which was read, and referred to the committee on military affairs.

Mr. Read, from the committee of ways and means, to which was referred a resolution of the house, requesting them to enquire into the expediency of amending the law on the subject of assessing and collecting the revenue, so as to provide that the rates of land be ascertained by the comparative quality of the land in the state, its local advantages, &c., reported, that they are of the opinion that the provisions of said resolution would increase the evil that now exists, in assessing first, second and third rate land: they, therefore, wish to be discharged from the further consideration of that subject.

Which report was read and concurred in by the house.

Ordered, That said committee be discharged from the further consideration thereof.

Mr. Hall from the judiciary committee, to which was referred the engrossed bill from the senate, entitled "An act to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case, reported the said bill without amendment;

When the same was

Ordered to be read a third time to-morrow.

Mr. Pennington, from the committee on roads, to which was referred a resolution of the house, instructing them to enquire into the expediency of providing by law for the relocation of that part of the Mank's ferry road, which lies between the south bank of the east fork of White river, and Brownstown, reported a bill in pursuance of said resolution:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hoover moved the following resolution:

Resolved, That the public printer be directed to place the names of the members, when the ayes and noes are taken, in columns, in the journals of this house.

And on the question to adopt said resolution,
It was decided in the negative.

Mr. Crume moved the following resolution, viz:

Resolved, That the committee on roads be instructed to report a bill to this house, providing for the selection and sale of the Michigan road lands:

Which was read; and,

On motion of Mr. Wallace of J.,

Ordered to lie on the table.

On motion of Mr. Herod,

The report of the judiciary committee, on the petition of Levi Cobb, praying articles of impeachment against Caleb Newman, a justice of the peace, of Floyd county, was taken up.

The question then recurring on concurring in the said report;

It was decided in the negative.

The said petition was then,

On motion of Mr. Herod,

Recommitted to a select committee of Messrs. Herod, Dumont, Read, Pennington and Hillis.

Mr. Finley moved the following resolution, viz:

Resolved, That the committee on the judiciary

be directed to enquire into the expediency of reporting a bill to this house, specifying the crimes impeachable by the twenty-fourth section of the third article of the constitution of this state, for the purpose of making a more marked distinction between high and subordinate crimes and misdemeanors.

Mr. Bariden moved to amend said resolution, by striking out these words, "committee on the judiciary," and inserting in lieu thereof, these words, "select committee, to which is recommitted the petition of Levi Cobb:"

Which motion was carried in the affirmative.

Mr. Pennington then moved to lay said resolution on the table:

Which motion was decided in the negative.

The question being then put, "Shall said resolution, as amended, be adopted by the house?"

The same was decided in the negative.

Mr. Levenworth, after having obtained leave, presented a joint resolution to promote common schools in this state:

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Hillis,

The vote, committing the bill to incorporate the Madison Seminary Society, to a committee of the whole house, was reconsidered, and the said committee was discharged from the further consideration thereof.

Mr. Hillis then moved to amend said bill, by striking out the word "Madison," and inserting the word "Jefferson county," so that the name thereof should be the "Jefferson county Seminary:"

Which motion was carried in the affirmative.

The said bill was then

Ordered to be engrossed, and read a third time to-morrow.

The house then proceeded to consider the orders of the day:

Engrossed bills from the senate of the following titles, viz:

An act to provide for taking the enumeration of the white male inhabitants above the age of twenty one years, in this state;

An act requiring the commissioners of the reserved townships of land, in Gibson and Monroe counties, to reduce the minimum price thereof.

An act to authorise the collection of the revenue of Jackson county, for 1829, to sell certain lands for the taxes due thereon, and for other purposes; and

The bill of this house, to amend an act entitled "An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein;" approved, January 24, 1828;

Were severally read the second time;

And the first named bill committed to the same committee of the whole house, to which is committed a bill of this house on the same subject:

And the balance of said bills were committed to a committee of the whole house for to-morrow.

The engrossed joint resolution from the senate, on the subject of canal lands, donated to Indiana, by Congress;

Was read the second time, and passed to a third reading to-morrow.

The engrossed joint resolution relative to the establishment of a medical college; and

The engrossed bill supplementary to the act entitled an act, for the opening of a state road in the county, of Allen;

Were severally read the third time and passed

Ordered, That the said bill be entitled an act, and that the clerk carry the same, together with said joint resolution to the senate, and ask their concurrence therein.

Mr. Pennington moved to postpone the several orders of the day, which precede the bill for the relief of Walter Pennington;

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole, on the said bill, and after some time spent therein, the speaker resumed the chair, and Mr. Armstrong reported the same with several amendments;

Which were read and concurred in by the house.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. Morrison, from the committee for enrolled bills, reported that they have compared the enrolled with the engrossed bill, entitled and act, concerning the Farmers' and Mechanics' bank of Indiana, and find the same truly enrolled;

When the speaker signed said bill.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment,

And again resolved itself into a committee of the whole, on the engrossed joint resolution from the senate, ratifying with one fundamental condition the compact entered into between Wyllys Silliman, commissioner on the part of the state of Ohio, and Jeremiah Sullivan, commissioner on the part of the state of Indiana, on the subject of the Wabash and Erie canal;

And the joint resolution of this house, on the same subject, and after some time spent therein, the speaker resumed the chair, and Mr. Reiley reported progress, and asked leave to sit again.

Which leave was granted by the house.

Mr. Brown, from the joint committee on enrolled bills, reported that they did on this day present to

the governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to incorporate the Eugene academy;

An act supplemental to an act, entitled an act, to provide for a more certain return of votes, for Governor and Lieutenant Governor, approved, December 21, 1825.

An act to amend an act entitled an act to amend an act, to establish a state library, approved, February 4, 1825.

An act to vacate the south end of Second street, in the town of Washington, in Daviess county;

An act concerning the Farmers' and Mechanics' bank of Indiana.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 31, 1829.

The house met pursuant to adjournment;

Mr. Long presented a petition of Robert Davidson and others, citizens of Hancock and Shelby counties praying a relocation on a straight line, of that part of the state road, leading from Shelbyville, through Monroe and Greenfield, to Anderson-town, which lies between Greenfield and Marion:

Which was read, and referred to the same select committee, to which is referred another petition on the same subject.

Mr. Levenworth presented a petition of William Reynolds and eight other individuals, citizens of Crawford county, praying that compensation may be allowed them, for capturing David Carter, a fugitive from justice:

Which was read, and referred to the committee on claims.

Mr. Davis, of S., presented a petition of John J. Lewis, collector of the state revenue, for the county of Shelby, for the year 1825, praying certain relief:

Which was read, and referred to a select committee of Messrs. Davis of S., Wallace of F., and Crume.

Mr. Wallace of F., presented a petition of James Leviston, of the county of Union, praying authority, by and with the consent of the trustees of the seminary of said county, to convey certain real estate in the town of Liberty:

Which was read and referred to a select committee of Messrs. Wallace of F., Hillis and Kinnard.

Mr. Kinnard presented a petition of Joseph Beeler, and three hundred and fifty-five others, citizens of Marion and other counties, suggesting certain amendments to the law on the subject of navigable streams declared highways, by the ordinance of Congress, of 1787; and also praying that authority may be given said Beeler to erect a mill dam across White river, opposite his farm, in said county, on condition that he shall erect sufficient slopes:

Which was read and referred to a select committee of Messrs. Kinnard, Hussey, and Conner.

Mr. Johnston, of T., presented a petition of Samuel Hoover and others, citizens of Lafayette, in the county of Tippecanoe, praying that the original survey of said town may be legalized:

Which was read and referred to a select committee of Messrs. Johnston of T., Beard and Gardner.

The following message was received from the governor by Mr. Griffith, his private secretary.

MR. SPEAKER:

I am requested by the governor to inform the house of representatives, that he did, on the 30th instant, approve and sign the following bills, to wit:

An act concerning claims in the county of Henry.

An act to relocate part of the state road from Vincennes to Spencer, in Owen county; and,

An act to incorporate the Rising Sun Seminary Society.

Mr. Boon, from the committee on claims, to which was referred the petition of Philip Hedges, asked to be discharged from the further consideration of said subject, and that the said petition and accompanying documents be committed to the same committee of the whole house, to which two joint resolutions on the same subject are committed.

Ordered, That said committee be discharged from the further consideration of the above petition, and that the same be committed as aforesaid.

Mr. Logan, from the committee on claims to which was referred the petition of William Jackson, and others, citizens of Monroe county, praying that the lease which the said Jackson has, on a certain salt lick, in said county, may be extended for the further time of five years;

Reported, that it is inexpedient to grant the prayer of the petitioner;

Which report was read, and concurred in by the house.

Mr. Logan, also, from the same committee, to which was referred the communication of James Parsors, of Monroe county, praying that Jackson lick, in said county be leased to him, reported unfavorable to the prayer of the petitioner:

Which report was read and concurred in by the house.

Mr. Logan, also, from the same committee, reported a bill authorising the leasing of Jackson's lick, in the county of Monroe:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Dumont, from the select committee, to which was referred a resolution of the house, on the subject of the habeas corpus act, reported a bill amend-

atory to the several acts now in force regulating the writ of habeas corpus:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Johnston of K., made the following report, viz:

The select committee, to whom was referred the "bill for the relief of Claudius G. Brown," have had the same under their most mature consideration, and find the following to be the merits and situation of said Brown's claim, viz:

In the year 1804, congress reserved, for the use of a seminary of learning, in the Vincennes land district, an entire township, to be located, &c., and which was located south of White river, in Gibson county.

The legislature of Indiana, at its session of 1806, passed an act organizing a board of trustees of the Vincennes university, giving and granting unto them and their successors, all necessary powers and authority to effectuate the objects of the institution, and to sell, convey, transfer, and dispose of any quantity not exceeding four thousand acres of the said land, for the purpose of putting into immediate operation the said institution or university; and to lease or rent the remaining part of the said township, to the best advantage, for the use of said public school or university; under which authority, the said board sold a number of quarter sections of said township of land, afterwards approved of by congress, and proceeded in the erection of a large, commodious and appropriate brick building, in Vincennes.

In the year 1819, the board of trustees of the said university, contracted with the present claimant, Dr. Claudius G. Brown, to repair the said university building, it being in a dilapidated state, and

ultimately to secure him in the sums advanced in repairs, authorised him to lease or rent the unsold part of said township of land, in Gibson county; but some misunderstanding arising between the Doctor and the board, the said contract was, by resolution of the trustees, annulled, and Brown allowed \$193.50, for his disbursements in part, still to be realized from the rents of the said township of land, or other funds, of the said institution, should there be any. The lands proving unproductive to the board, Dr. Brown had to depend upon other resources of the institution; which also failed, owing to the board being defrauded out of three hundred and odd dollars of its funds, in Vincennes and branch bank paper, yet on hand; and Brown remains unpaid.

In January, 1820, (see Acts '20, p. 160.) Jesse Emmerson was appointed as superintendent, to rent out the land in Gibson, and collect the arrearages of rents; thus depriving the said board of trustees, or said C. G. Brown, under them, from securing any part of his claim from the rents and profits of said land.

In January, 1822, (see Acts, '21-2, p. 111.) the land was directed to be sold, and the proceeds appropriated to the state seminary. By the 7th section of this act, the legislature have sanctioned, in part, the proceedings of the "former board of trustees of the Vincennes university."

In 1824. (see special Acts, p. 66.) the board of county commissioners of Knox county, was directed to appoint an auditor to adjust Brown's claim; under which act, James B. McCall was appointed, and audited the claim at \$350. At the same session, (p. 104,) the seminary lands in Gibson county, were directed to be rented by a superintendent, with power to collect arrearage rents, and the proceeds be paid into the state treasury, for the benefit of the college. And by the same act, (p. 107,) the

Vincennes university was donated and transferred to the county of Knox, and directed that all the seminary funds of the county accruing from fines, should be paid over to the said Knox county seminary trustees.

In the acts of 1825, (p. 96,) Dr. Brown's claim was again recognized, and its liquidation provided for, by the trustees of the Knox county seminary: which adjustment however, under this act, never took place. At the same session (p. 97,) the seminary land in Gibson, was directed to be rented, as in the special act of 1824.

In 1827, (p. 95,) the said land in Gibson county, was directed to be sold, and the proceeds be paid into the state treasury, for the benefit of the college. Also, in 1828, (p. 115,) an additional sale was ordered, as above.

By the 5th section of the Act of 1828, (p. 122,) the board of trustees of the Knox county seminary, were "authorised and required, within, &c., to examine into the affairs now belonging to said county seminary, to arrange and settle upon principles of equity and justice, all preceding transactions, and to investigate, &c., subject however, &c.;" under which authority, the said board investigated the claim of said C. G. Brown, and allowed him the sum of \$310, with interest from the 12th March, 1824, and have petitioned the legislature, aided by the board of Justices of Knox county, that the said sum be allowed Dr. Brown out of the state seminary or college fund.

Connecting the facts with the law of the case, your committee have come to the following conclusions, to wit:

1st. That C. G. Brown is a meritorious claimant, and his claim a just and bona fide one.

2d. By the ex parte act of the board of trustees of the Vincennes university, and legislative enactments, he was deprived from obtaining a remunera-

tion for moneys actually disbursed, from the seminary township of land in Gibson county.

3d. That the building and freehold upon which it stands, in Vincennes, being a vested right, the legislature have no power to clog or annul the grant, and

4th. That inasmuch, as a legally authorized board, having a control over the seminary township of land in Gibson county, contracted a debt with a worthy and deserving individual—That this source, upon which the said board predicated their conduct, and Doc. Brown relied, has been changed to the state seminary:

Therefore, your committee are of opinion that C. G. Brown be allowed the sum of \$350, (being \$66.95 less than has been allowed him by the last board of trustees;) to be paid him out of the state seminary or college fund.

Mr. Johnston of K., then, reported said bill with one amendment, which was, by striking out of the same, "the treasury of Knox county," (the fund out of which said Brown should be paid,) and inserting "the college fund," in lieu thereof.

Mr. Levenworth, moved to lay said bill and amendment on the table;

Which motion was decided in the negative.

Mr. Bassett, then moved to amend said report, by striking out the words "college fund," and inserting in lieu thereof, the words "treasury of state," so as to make the said sum payable out of the state treasury, instead of the college fund;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Blake, Brown, Davis of A., Dumont, Hall, Howk, Hussey, Ketcham, and Levenworth,—11

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Boon, Casey, Coffin, Conner, Crume, Davis of S., Dixon, Evans, Finley, Fite, Gardner, Guion, Hamilton, Hendricks, Herod, Hillis, Hoover, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Kingsbury, Kinnard, Leviston, Little, Logan, Long, Morrison, Noble, Pabody, Parks, Pennington, Polke, Pollock, Read, Reiley, Slaughter, Smith, Stewart, Wallace of F., Wallace of J., and Smiley, *Speaker*—47.

And so said motion was decided in the negative.

And then the house adjourned until 2 o'clock,
P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

And resumed the consideration of the report of the select committee, on the bill for the relief of Claudius G. Brown.

The question recurring on concurring in said report;

And the ayes and noes being requested thereon, by two member;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Boon, Casey, Coffin, Conner, Crume, Dixon, Evans, Gardner, Guion, Hamilton, Hendricks, Herod, Hillis, Hoover, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Kingsbury, Kinnard, Leviston, McNary, Morrison, Noble, Parks, Pennington, Polke, Pollock, Rariden, Read, Reiley, Smith, Stewart, Wallace of F., and Wallace of J.—39.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Bell, Blake, Brown, Davis of A., Davis of S., Dumont, Finley, Fite, Hall, Hawk, Hussey, Ketcham, Levenworth, Little, Long, Slaughter, and Smiley, *Speaker*—19.

And so said report was concurred in by the house.

Ordered, That the said bill be engrossed, and read a third time to-morrow.

Mr. Kinnard, from the select committee, to which was referred a resolution of the house, on the subject of extinguishing the Indian title to land within the state, and removing the Indians beyond the Mississippi, reported a joint memorial, in pursuance of said resolution:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Smith made the following report, viz:

The select committee to which was referred a resolution of this house, directing an enquiry into the necessity and propriety of memorializing Congress upon the subject of extending further relief to the holders of forfeited land certificates, have had that subject under consideration; and are sensibly impressed with the importance and necessity of memorializing Congress, upon that subject, in behalf of those who are liable to be sufferers in consequence of such forfeitures. But your committee being apprised that an engrossed memorial on the same subject is now in the possession of this house, from the senate; have directed me to report, that it would be unnecessary to report another on the same subject.

Therefore, your committee ask to be discharged from the further consideration of the subject matter, contained in the resolution.

Ordered, That said committee be discharged from the further consideration of the above subject.

On motion of Mr. Herod,

Mr. Crume, was added to the select committee to which is referred the petition of Levi Cobb.

A message was received from the senate, on yesterday, by Mr. Test, their assistant secretary, announcing:

That the senate has concurred in the amendment proposed by the house of representatives, to the engrossed bill of the senate, entitled, an act concerning the Farmers' and Mechanics' bank of Indiana.

The senate has concurred in the 3d, 5th, 7th and

8th amendments, proposed by the house of representatives, to the engrossed bill, entitled an act, providing for the location, opening and improvement of certain state roads;

They also concur in the 4th proposed amendment to said bill, with an amendment in which the concurrence of the house of representatives, is requested; but they disagree to the 1st, 2d and 6th amendments, proposed by the house of representatives, to said bill;

The senate has also concurred in the amendments proposed by the house of representatives, to the engrossed bill from the senate, entitled;

An act to provide for the removal of obstructions to the navigation of Eel river.

Mr. Hawk, moved that the house insist on the first and second amendments proposed by them, to the second bill, mentioned in said message;

Which motion was carried in the affirmative.

Mr. Finley, moved that the house agree to the amendment proposed by the senate, to the fourth amendment proposed by the house to the said bill;

Which motion, was also carried in the affirmative.

Mr. Brown, moved that the house recede from the sixth amendment, proposed by them, to the said bill;

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

A message was also, received from the senate, on yesterday,

Announcing:

That the senate has passed engrossed bills, entitled acts as follows, from the house of representatives, viz:

An act authorizing a reassessment in Gibson county,

An act concerning the state road from Indianap-

olis to Crawfordsville, and Lafayette, each without amendment;

They have also passed without amendment an engrossed joint resolution, from the house of representatives, entitled a joint resolution to fill a vacancy in the board of visitors to the Indiana college;

They have also passed an engrossed bill, which originated in the senate, entitled an act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes;

Also an engrossed memorial to the Congress of the United States, for the benefit of certificate holders, of forfeited lands, within the state of Indiana;

To which last bill and memorial, the senate requests the concurrence of the house of representatives.

The last mentioned bill and memorial from the senate were read the first time, and passed to a second reading to-morrow.

The following message was received from the governor, by Mr. Griffith, his private secretary, viz:

Mr. SPEAKER:

I am requested by the governor, to inform the house of representatives, that he did on this day, approve, and sign the following bills, to wit:

An act to amend an act, entitled an act to amend an act, to establish a state library, approved, February 4, 1825.

An act supplemental to an act entitled, an act, to provide for a more certain return of votes, for Governor and Lieutenant Governor, approved, December 31, 1825; and

And an act for the incorporation of the Eugene academy.

Mr. Morrison, from the joint committee, for enrolled bills, reported:

That they have compared the enrolled with the engrossed bills, entitled,

An act to amend an act, entitled, an act to amend an act, entitled, an act for the incorporation of county libraries, approved, February 7, 1825;

An act authorizing a reassessment in Gibson county;

An act concerning the state road from Indianapolis to Crawfordsville and Lafayette;

An act to incorporate the Crawfordsville seminary;

Also, a memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road;

Also, a joint resolution, to fill a vacancy in the Board of visitors, to the Indiana college;

And find the same truly enrolled.

When the speaker signed said bills, memorial and joint resolution.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

Mr. Morrison, from the select committee, to which was referred a resolution of the house, on the subject of providing for the public printing; reported a bill in pursuance of said resolution;

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hoover, after having obtained leave, presented a bill to repeal part of an act therein named;

Which was read the first time, and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The joint resolution to promote common schools in this state, was read the second time, and committed to a committee of the whole house, for to-morrow.

The bill to provide for changing a part of the

state road, leading from Mauk's ferry to Indianapolis, was read the second time, and

Ordered, To be engrossed, and read a third time to-morrow.

The engrossed bill to incorporate the Jefferson county seminary society, was read the third time and passed.

Ordered, That the said bill be entitled an act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill for the relief of Walter Pennington, and for other purposes;

Was read the third time, and

On motion of Mr. Herod,

The same was ordered to lie on the table.

The engrossed bill from the senate, entitled an act to authorize the circuit court of the county of Vanderburgh, to change venue in a certain case;

Was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Gardner,

The several orders of the day, which precede the joint resolution of this house, allowing compensation to Philip Hedges, for distributing the laws and journals of the last session of the general assembly, and the engrossed joint resolution from the senate on the subject of distributing the laws and journals of the last session of the general assembly, were for the preset postponed.

And the house resolved itself into a committee of the whole, on said joint resolutions:

And after some time spent therein, the speaker resumed the chair; and Mr. Bassett reported the joint resolution to this house with one amendment; and the engrossed joint resolution from the senate, without amendment.

On motion of Mr. Blake,

The said amendment to the joint resolution of this house was concurred in.

Ordered, That the said resolution be engrossed, and read a third time to-morrow; and that the engrossed joint resolution, from the senate, do lie on the table.

Mr. Gardner moved that the house adjourn until Saturday morning next, at nine o'clock.

And the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Basset, Beard, Boon, Brown, Davis of A., Evans, Finley, Gardner, Hillis, Hoover, Jackson of D., Noble, Pabody, Rariden, Reiley Slaughter, Stewart and Wallace of F.,—19.

And those who voted in the negative, are,

Messrs. Bell, Bence, Blake, Casey, Coffin, Crume, Davis of S., Dixon, Dumont, Fite, Guion, Hall, Hamilton, Hendricks, Herod, Hawk, Hussey, Jack, Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, McNary, Morrison, Parks, Pennington, Polke, Pollock, Read, Smith, Wallace of J. and Smiley, *Speaker*.
—40.

And so said motion was decided in the negative.

Mr. Beard moved that the house adjourn until to-morrow morning 9 o'clock;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Bell, Bence, Blake, Casey, Coffin, Davis of S., Dixon, Dumont, Fite, Guion, Hall, Hendricks, Herod, Hussey, Johnston of T., Pabody, Polke, Pollock, and Rariden—19.

And those who voted in the negative, are,

Messrs. Armstrong, Boon, Brown, Crume, Davis of A., Evans, Finley, Gardner, Hamilton, Hillis, Hoover, Hawk, Jack, Jackson of D., Jackson of S., Johnston of K., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, McNary, Morrison, Noble, Parks, Pennington, Read, Reiley, Slaughter, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker—38.

And so said motion was decided in the negative.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 1, '1830.

The house met pursuant to adjournment.

Mr. Read presented a petition of Stephen Masten and others, citizens of Daviess county, praying that the office of assessor, collector and treasurer, may be consolidated, in said county:

Which was read, and referred to a select committee of Messrs. Read, Johnston of K., and Stewart.

Mr. Boon presented a petition of Benjamin Jones and others, citizens of Sullivan county, praying that compensation may be allowed said Jones, for building a bridge over Busseron creek, on the road leading from Evansville to Terre Haute:

Which was read, and referred to the committee on roads.

Mr. Hussey presented a petition of Samuel Moore and others, citizens of Morgan county, praying that Jesse Tull may be authorised to establish a ferry across White river, just below the bluffs in said county, there being a ferry within one mile:

Which was read, and referred to a select committee of Messrs. Hussey, Davis of S., Ketcham, Kinnard and Read.

Mr. Dixon presented a petition of Augustine Pitchford and others, inhabitants of congressional township, No. 6, range 5, west, in the Vincennes land district, in Green county, praying that authority may be given to the trustees of the sixteenth section, in said township, to sell and convey unto Thomas Plummer, five acres of said section, for the purpose of erecting thereon, a grist mill and other machinery:

Which was read and referred to a select committee of Messrs. Dixon, McNary and Boon.

Mr. Evans presented a petition of Philip H. Miller and others, citizens of Warrick county, praying that Big Pigeon creek may be declared a public highway from its mouth to said Miller's mill; and that a portion of the three per cent. may be appropriated to the removal of the obstructions to the navigation of said creek:

Which was read, and referred to the committee on canals and internal improvements.

Mr. Evans also presented a petition of Morris K. Matheny and others, citizens of Vanderburgh county, praying the appointment of commissioners, for the purpose of locating a state road from Evansville, down the Ohio river, to a point opposite the town of Henderson, in the state of Kentucky:

Which was read and referred to the committee on roads.

Mr. Stewart presented a petition of James Ritchey and others, citizens of Pike and Dubois counties, praying the appointment of commissioners to locate a state road from Troy, in Perry county, by the way of Miller's mill, on Patoca, in Dubois county, and Ebenezer Case's ferry, in Pike county, to Washington, in Daviess county:

Which was read, and referred to the committee on roads.

Mr. Stewart also presented a petition of John McIntire, W. Hargrave, and James Hillman, of Pike

county, praying that the proceedings of the Probate court of said county, at their session in December last, may be legalized, the same having been held on the second instead of the first Monday in December:

Which was read and referred to a select committee of Messrs. Stewart, Hall and Casey.

Mr. Wallace of F., from the select committee to which was referred the petition of James Leviston, reported a bill concerning the seminary site of Union county:

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Levenworth,

Resolved, That the select committee to which is referred a resolution of the house, directing them to enquire into the manner and effect of the prosecutions of the United States, against trespassers, citizens of this state, upon the unappropriated lands within the same, be authorised to call upon the clerk of the United States' district court in this state, for a statement of the number of individuals prosecuted in said court, the amount of each judgment rendered for damages, and the amount of the costs of each prosecution, and the amount collected upon each judgment.

On motion of Mr. Johnston, of K.,

Resolved. That the committee on the affairs of the state prison, be directed to report, as soon as practicable, upon the following points, viz: •

1st. What number of convicts are now confined in the penitentiary; and whether male or female, white or colored?

2d. The nature of the crimes for which they severally stand committed?

3d. What is the nature of their treatment—does there exist any just cause of complaint on their part?

4th. Whether convicts do not frequently escape from prison—and to what cause it is attributable?

Mr. Long moved the following resolution, viz:

Resolved, That a select committee be appointed to enquire into the expediency of appropriating on the state road from Centreville, in Wayne county, to New Castle, in Henry county, or on some other state road, all the money that has been appropriated on the state road from the Ohio line to Indianapolis, by way of Richmond and Centreville, and not expended on said road; when,

Mr. Hoover moved to lay said resolution on the table:

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution;

It was carried in the affirmative.

Ordered, That Messrs. Long, Kinnard, Conner, Crome, Leviston, Brown and Hoover, be said committee.

And then the house adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, JANUARY 2, 1830.

The house met pursuant to adjournment.

Mr. Kinnard, presented a petition of Jacob Sheets, and others, inhabitants of the unorganized territory north of the counties of Marion and Hendricks, praying the formation of a new county, north of said counties;

Which was read and referred to a select committee of Messrs. Kinnard, Johnston of T., Beard, Long and Hussey.

Mr. Stewart, presented a petition of Ashbury Alexander, and others, citizens of Dubois county,

praying that Samuel Postlewait, collector of the state and county revenue, of said county, for the years 1824 and 1827, may be authorized to collect the balance of said revenue, yet due and unpaid by the citizens of said county;

Which was read and referred to a select committee of Messrs. Stewart, Hall and Casey.

Mr. Read, presented the petition of Frederick Sholtz, of Martin county, praying authority to build a toll bridge across Lost river, at the point where the road leading from New Albany to Vincennes, crosses said river;

Which was read, and referred to a select committee of Messrs. Read, Coffin, Moyer, Reiley and Little.

Mr. Morrison, from the joint committee for enrolled bills, reported;

That they have compared the enrolled with the engrossed bill, entitled:

An act to provide for the removal of obstructions to the navigation of Eel river, and find the same truly enrolled.

When the speaker signed said bill.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

A message was received from the senate by Mr. Dill, their secretary, announcing, that,

The senate had passed an engrossed bill, entitled an act to establish a state road from lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river:

In which the concurrence of the house of representatives is requested;

And also, that the senate has passed the joint resolution of this house, entitled;

An engrossed joint resolution, relative to the three per cent. fund, with amendments;

In which amendment, the concurrence of the house of representatives is requested.

The bill mentioned first, in said message, was

read the first and second times, the rules of the house first having been dispensed with, when

Mr. Pennington, moved to commit said bill to a committee of the whole house, for Monday next.

Mr. Read, then moved to lay said bill on the table; Which motion was decided in the negative.

The question recurring on the motion to commit, it was also decided in the negative.

Mr. Blake, moved to postpone the further consideration thereof, until Monday next;

And before the question was taken on said motion,

Mr. Morrison, moved to lay said bill on the table: Which motion was carried in the affirmative.

The amendments proposed by the senate, to the engrossed joint resolution mentioned in said message, was read and agreed to by the house:

Ordered, That the clerk inform the senate thereof.

The following message was also received from the senate, by Mr. Dill, their secretary:

Mr. SPEAKER:

I am instructed by the senate, to inform the house of representatives, that the senate recede from their objections to the two first amendments proposed by this house, to the engrossed bill of the senate, entitled,

An act providing for the location, opening and improvement of certain state roads.

Mr. Kinnard, from the select committee to which was referred the petition of Joseph Beeler, and others, citizens of Marion and other counties, reported a bill regulating mill dams, on navigable streams;

Which was read the first time, and passed to a second reading on Monday next.

Mr. Johnston of K., from the select committee to whom was referred the petition of Stephen Mastin, and others, citizens of Daviess county, praying a consolidation of the offices of assessor, collector and

treasurer, so far as respects county purposes, in the said county of Daviess; and that said collector, in whom the offices are to centre, may be annually elected;

Reported a bill for the relief of the citizens of Daviess county;

Which was read the first time, and passed to a second reading on Monday next.

Mr. Hoover, from the select committee to which was referred a resolution of the house, instructing them to draft and report to this house, a memorial to the Congress of the United States, against the stoppage of the mails on Sunday;

Reported a memorial in pursuance of said resolution;

Which was read the first time;

When, Mr. Johnston of K., moved to reject said memorial:

And before the question was taken on said motion;

Mr. Noble moved that the house adjourn, until Monday morning next:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Evans, Hussey, Johnston of T., Noble, Pollock, Slaughter and Stewart—7.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A. Davis of S., Dixon, Dumont, Finley, Fite, Gardner, Guion, Hall, Hamilton, Hendricks, Herod, Hillis, Hoover, Jack, Jackson of D., Jackson of S., Johnston of K., Jones, Ketcham, Kingebury, Kinard, Levenworth, Leviston, Little, Logan, Long, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Smith, Wallace of F., Wallace of J. and Smiley, *Speaker*—52.

And so said motion was decided in the negative.

And then the house adjourned until 2 o'clock,
P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Hendricks,

Mr. Hussey has leave of absence from the services of this house, until Monday next.

The house then resumed the consideration of the joint memorial on the subject of Sunday mails, and

The question being put, on the motion to reject said memorial;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Blake, Dixon, Fite, Guion, Hendricks, Hillis, Jack, Jackson of S., Johnston of K., Ketcham, Kingsbury, Levenworth, Leviston, Little, Logan, Polke, Slaughter, and Wallace of J.,—20.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dumont, Evans, Finley, Gardner, Hamilton, Herod, Hoover, Hawk, Jackson of D., Jones, Kinnard, Long, McNary, Morrison, Moyer, Noble, Pabody, Parks, Pennington, Pollock, Read, Reiley, Smith, Stewart, Wallace of F., and Smiley, *Speaker*—38.

And so said motion was decided in the negative.

The said joint memorial was then,

Ordered, To be read a second time, on Monday next.

Mr. Boon, from the joint committee, for enrolled bills;

Reported, that they did, on this day, present to the governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act concerning the state road, from Indianapolis to Crawfordsville and Lafayette;

An act to amend an act, entitled an act, for the

incorporation of county libraries, approved, February 4, 1825 ;

An act authorizing a reassessment in Gibson county.

An act to incorporate the Crawfordsville seminary ;

A memorial of the general assembly of the state of Indiana, upon the subject of continuing the construction of the Cumberland road ;

A joint resolution to fill the vacancy in the board of visiters to the Indiana college ;

An act to provide for the removal of obstructions to the navigation of Eel river ;

On motion of Mr. Gardner,

The several orders of the day, which precede the engrossed joint resolution, allowing compensation to Philip Hedges, for distributing the laws and journals of the last session, were for the present dispensed with ;

And the said joint resolution read the third time and passed ;

Ordered, That the clerk carry the same to the senate, and ask their concurrence therein.

Mr. Dumont, from the select committee to which was referred the petition of Levi Cobb, praying articles of impeachment against Caleb Newman, a justice of the peace, of Floyd county ;

Reported that a majority of said committee, think it inexpedient to prefer such articles ;

And ask to be discharged from the further consideration of the subject ;

Which report, was read and concurred in by the house :

Ordered, That said committee be discharged from the further consideration of the subject.

Mr. Johnston of T., from the select committee to which was referred the petition of sundry citizens of Warren and Fountain counties, praying an alteration in the lines of said counties ;

And also the relocation of the seat of justice of Warren county;

Reported unfavorable to the prayers of the petitioners;

Which was read and concurred in, by the house.

Mr. Morrison, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed joint resolution relative to the three per cent. fund, and find the same truly enrolled;

When the speaker signed said joint resolution:

Ordered, 'That the clerk carry the same to the senate, for the signature of their president.

Mr. Moyer presented a petition of Isaac Riley, of Orange county, praying articles of impeachment may be preferred against Thomas Maxedow, a justice of the peace for said county, for certain acts of fraud and corruption, in his said office;

Which was read, and referred to the committee on the judiciary.

On motion of Mr. Read,

The report of the committee on claims, relative to Joseph Warner, was taken up, and recommitted to the same committee.

And then the house adjourned, until Monday morning 9 o'clock.

MONDAY MORNING, JANUARY 4, 1830.

The house met pursuant to adjournment.

Mr. Beard presented a petition of Peter Kames of Montgomery county, praying to be divorced from his wife, Sarah Ann, late Sarah Ann Prockter:

Which was read and referred to the committee on the judiciary.

Mr. Hussey who obtained leave of absence, on

Saturday last up to this day, appeared and took his seat.

Mr. Davis, of S., presented a remonstrance of John Wheatley and others, citizens of Morgan and Johnston counties, against changing a part of the state road leading from the Bluffs to Franklin:

Which was read and referred to a select committee of Messrs. Davis of S., Hussey and Herod.

Mr. Beard presented a petition of John Jackson and others, citizens of the upper Wabash country, praying the location of a state road from Terre Haute, to run on the west and north sides of the Wabash river, by the way of Eugene, Perrysville, Williamsport, in Warren county, Lagrange, in Tippecanoe county, and Logansport to fort Wayne:

Which was read, and referred to the same committee of the whole house, to which is committed a bill on the same subject.

Mr. Morrison from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled,

An act to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case therein named;

An act providing for the location, opening and improvement of certain state roads;

And find the same truly enrolled.

When, the speaker signed said bills.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

Mr. Noble from the committee on military affairs, to which were referred the petition of Jonathan Platts and others, and sundry resolutions of the house, on the subject of the militia law, reported a bill to regulate the militia of the state of Indiana:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for to-morrow.

Mr. Jackson, of S., from the committee on claims, to which was referred the petition of Joseph Warner, one of the commissioners appointed under an act authorising the writ of *quo warranto*, against the Bank of Vincennes, praying compensation for ten days services as such commissioner, reported, that they have had the subject under consideration, and are of opinion that his claim is just and reasonable. They therefore recommend the adoption of the following resolution, viz:

Resolved, That the committee of ways and means allow said Joseph Warner the sum of twenty dollars, in the bill making specific appropriations for the year 1830:

Which was read, and concurred in by the house.

Mr. Boon, from the select committee to which was referred the petition of Andrew Hamilton and others, citizens of Sullivan county, reported a bill providing for the relocation of the seat of justice of said county:

Which was read the first time, and passed to a second reading to-morrow.

The following message was received from the governor by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the governor, to inform the house of representatives, that he did, on this day, approve and sign the following bills and joint resolutions, to wit:

An act authorising a reassessment in Gibson county;

An act concerning the state road from Indianapolis to Crawfordsville and Lafayette;

An act to incorporate the Crawfordsville Seminary; and

A joint resolution to fill a vacancy in the board of visiters to the Indiana college.

Mr. Long, from the select committee, to which was referred the petition of John Osburn and others, reported a bill to relocate part of the state road from Shelbyville to Andersontown:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Stewart, from the select committee to which was referred the petition of Ashbury Alexander and others, reported a bill for the relief of Samuel Postlewait:

Which was read the first time, and passed to a second reading to morrow.

Mr. Slaughter, from the select committee, to which that subject was referred by a resolution of the house, reported a memorial of the general assembly of the state of Indiana, relative to a grant of land, for the purpose of improving a mail route from New Albany to Evansville:

Which was read the first time, and passed to a second reading to-morrow.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The several orders of the day, which precede the engrossed bill for the relief of Claudius G. Brown, were for the present postponed; and the said bill was then read the third time; when,

Mr. Levenworth moved to recommit the same to a select committee:

Which motion was decided in the negative.

The question being then put, "Shall said bill pass?"

It was carried in the affirmative.

Ordered, That the same be entitled an "act;" and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Pennington,

The engrossed bill from the senate entitled "An act to establish a state road from lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river," was taken up: when,

Mr. Herod moved to amend said bill, in the first section thereof, by striking out the word 'Greensburgh,' and inserting in lieu thereof, the word 'Columbus;'

And a division of the question being called for by Mr. Evans;

The question was taken on striking out the word 'Greensburg:'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Boon, Casey, Coffin, Crume, Dixon, Evans, Fite, Gardner, Hall, Hamilton, Herod, Hillis, Hawk, Hossey, Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Slaughter and Stewart—31.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Brown, Conner, Davis of A., Davis of S., Dumont, Finley, Goion, Hendricks, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, Noble, Pollock, Rariden, Read, Reiley, Smith, Wallace of F., Wallace of J., and Smiley, Speaker—30.

And so the word 'Greensburgh' was stricken out.

The question recurring, and being put, 'Shall the blank in said bill be filled by inserting the word 'Columbus?'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bence, Boon, Crume, Dixon, Fite,

Hamilton, Herod, Hillis, Hawk, Hussey, Jackson of S., Kingsbury, Kinnard, Leviston, Little, Logan, Morrison, Moyer, Noble, Pabody, Pennington, Polke, Rariden, Read, Riley, Slaughter, Wallace of F. and Wallace of J.—30.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Blake, Brown, Casey, Coffin, Conner, Davis of A., Davis of S., Dumont, Evans, Finley, Gardner, Guion, Hall, Hendricks, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Ketcham, Levenworth, Long, McNary, Parks, Pollock, Smith, Stewart and Smiley, Speaker—31.

And so the blank was not so filled.

Mr. Hawk moved further to amend said bill in the first section thereof, by striking out the whole of said section from the word, Indianapolis, which reads as follows, viz: 'Along, in and upon, the state road, through the town of ——— to the town of Madison, on the Ohio river, in the county of Jefferson;'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Dixon, Evans, Finley, Fite, Gardner, Hall, Hamilton, Hendricks, Hawk, Jackson of D., Jackson of S., Johnston of T., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Noble, Parks, Pennington, Polke, Reiley, Slaughter, Stewart and Wallace of F.—32.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Guion, Herod, Hillis, Hoover, Hussey, Jack, Johnston of K., Jones, Kinnard, Leviston, Long, Pabody, Pollock, Rariden, Read, Smith, Wallace of J. and Smiley, Speaker—29.

And so said motion was carried in the affirmative.

Mr. Pennington moved further to amend said bill

in the first section thereof by filling the blank after the word 'Indianapolis.' with these words, 'thence to Mauck's-Port, on the Ohio river, in the county of Harrison, by the way of Columbus, Brownston, Salem and Corydon;'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Bell, Bence, Casey, Coffin, Fite, Hamilton, Herod, Hawk, Jackson of D., Johnston of K., Ketcham, Kingstury, Levenworth, Little, Logan, Morrison, Moyer, Noble, Pabody, Parks, Pennington, Polke, Rariden, Read, Reiley Slaughter and Wallace of F.—27.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hendricks, Hillis, Hoover, Hussey, Jack, Jackson of S., Johnston of T. Jones, Kinnard, Leviston, Long, McNary, Pollock, Smith, Stewart Wallace of J., and Smiley, Speaker—34.

And so said motion was decided in the negative.

Mr. Boon moved to reconsider the vote on striking out the word 'Greensburgh,' in the first section of said bill;

And the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Finley, Guion, Hendricks, Hillis, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, Noble, Pollock, Rariden, Smith, Wallace of F., Wallace of J. and Smiley, Speaker—31.

And those who voted in the negative, are,

Messrs. Bell, Bence, Casey, Coffin, Dixon, Evans,

Fite, Gardner, Hall, Hamilton, Herod, Hawk, Hussey, Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter and Stewart—30.

And so said motion was carried in the affirmative.

The question recurring, and being put, Shall said bill be amended by striking out the word, 'Greensburgh?'

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Crume, Dixon, Evans, Fite, Gardner, Hall, Hamilton, Herod, Hawk, Hussey, Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Slaughter, and Stewart—28.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Davis of A., Davis of S., Dumont, Finley, Guion, Hendricks, Hillis, Hoover, Jack, Jackson, of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, McNary, Noble, Pollock, Rariden, Read, Reiley, Smith, Wallace of F., Wallace of J. and Smiley, Speaker—33.

And so said question was decided in the negative.

Mr. Hendricks moved to reconsider the vote taken on Mr. Hawk's motion to strike out these words, 'along, in and upon, the state road through the town of — to the town of Madison, on the Ohio river, in the county of Jefferson.'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Finley, Gardner, Guion, Hendricks, Hillis, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, Noble, Pollock, Rariden, Read, Reiley, Smith, Wallace of F., Wallace of J., and Smiley, Speaker—34.

And those who voted in the negative, are,

Messrs. Bell, Bence, Casey, Coffin, Dixon, Evans, Fite, Hall, Hamilton, Herod, Hawk, Hussey, Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Slaughter and Stewart—27.

And so said motion was carried in the affirmative.

The question recurring, and being put on Mr. Hawk's motion to amend the said bill in the first section, by striking out as also esaid;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Dixon, Evans, Fite, Gardner, Hall, Hamilton, Herod, Hawk, Hussey, Jackson of S., Ketcham, Kingsbury, Levenworth, Little Logan, Morrison, Moyer, Parks, Pennington, Polk and Stewart—25.

And those who voted in the negative, are,

Messrs. Armstrong, Basset, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Finley, Guion, Hendricks, Hillis, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, McNary, Noble,

Pabody, Pollock, Rariden, Read, Reiley, Slaughter, Smith, Wallace of F., Wallace of J. and Smiley, Speaker—36.

And so said question was decided in the negative.

Mr. Pennington moved to amend said bill in the first section thereof, by striking out the whole of said section from the words 'Indianapolis,' which reads in these words, 'along, in and upon, the state road through the town of Greensburg, to the town of Madison, on the Ohio river, in the county of Jefferson,' and inserting in lieu thereof, these words, 'to Martinsville, Bloomington, Bedford, Orleans, Paoli and Levenworth, on the Ohio river;'

And a division of the question being called for by Mr. Hillis;

The question was taken on striking out the said words;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Evans Fite, Gardner, Hall, Hamilton, Herod, Howk, Hussey, Jackson of D., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter and Stewart—29.

And those who voted in the negative, are,

Messrs. Armstrong, Basset, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont Finley, Guion, Hendricks, Hillis, Hoover, Jack, Jackson of S., Johnson of K., Johnston of T., Jones, Kinnard, Leviaton, Long, Noble, Pollock, Rariden, Smith, Wallace of F., Wallace of J., and Smiley, Speaker—32.

And so said question was decided in the negative.

Mr. Slaughter, moved to amend said bill, in the first section thereof, by striking out the word

'Greensburgh' and inserting in lieu thereof, the words 'Franklin, Columbus and Vernon;'

And a division of the question being called for by Mr. Brown;

The question was taken on striking out the word 'Greensbutgh;'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Dixon, Evans, Fite, Hall, Hamilton, Herod, Hillis, Howk, Hussey, Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Slaughter and Stewart,—27.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Finley, Gardner, Guion, Hendricks, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, McNary, Noble, Pollock, Rariden, Read, Reiley, Smith, Wallace of F., Wallace of J. and Smiley, Speaker—34.

And so said motion was decided in the negative.

Mr. Evans, moved to amend said bill, in the first section thereof, by striking out the whole of said section, from the word 'Indianapolis;'

Which reads in the words 'along, in, and upon the state road, through the town of Greensburgh, to the town of Madison, on the Ohio river, in the county of Jefferson;'

And inserting in lieu thereof, the words, 'through Martinsville, Bloomington, Washington, Petersburg, Princeton to Evansville, on the Ohio river;'

And a division of the question being called for, by Mr. Noble;

The question was taken on striking out the said words;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Blake, Casey, Coffin, Crume, Dixon, Evans, Fite, Hall, Hamilton, Herod, Hawk, Hussey Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter, and Stewart—31.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Boon, Brown, Conner, Davis of A., Davis, of S., Dumont, Finley, Gardner, Guion, Hendricks, Hullis, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Laviston, Long, Noble, Pollock, Rariden, Smith, Wallace, of F. Wallace, of J., and Smiley, Speaker.—30.

And so said question was carried in the affirmative.

The question recurring on inserting the said words, 'through Martinsville, Bloomington, Washington, Petersburg, Princeton, to Evansville, on the Ohio river;

And the ayes and noes being required thereon, by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Blake, Casey, Coffin, Evans, Fite, Hall, Hamilton, Hawk, Hussey, Johnston of K., Johnston of T., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Noble, Parks, Pennington, Polke, Rariden, Read, Reiley, Slaughter, Stewart and Wallace of F.,—31.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Boon Brown, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Finley, Gardner, Guion, Hendricks, Herod, Hullis, Hoover, Jack, Jackson of D., Jackson of S.,

Jones, Kinnard, Leviston, Long, Pabody, Pollock, Smith, Wallace of J. and Smiley, Speaker—30.

And so said question was carried in the affirmative.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, JANUARY 5, 1830.

The house met pursuant to adjournment.

Mr. Rariden, from the committee on the judiciary, to which was referred the petition of Isaac Riley, exhibiting charges against, and praying the impeachment of Thomas Maxedon, a justice of the peace in the county of Orange,

Reported, that they have had the said petition and charges under consideration, and have come to the conclusion, that it becomes the dignity of the state, upon all complaints of this kind, supported by a single oath, where other witnesses than the party, complaining, are known to be cognizant of the acts complained of, not to prefer articles of impeachment against any officer of the state, until such disinterested testimony touching the said acts complained of, has been heard by a committee appointed for that purpose, reduced to writing and reported to the house;

Therefore, inasmuch as said committee are informed by the representatives of the party complaining, that divers persons, other than the party complaining, are cognizant of all the acts complained of, and alledged to be corrupt and oppressive:

And the said committee, having a due regard for the character of the state, and feeling a great aversion to subjecting any officer to the disgrace and

expense of defending himself against an impeachment preferred on the part of this house, until the guilt of such officer is established beyond all reasonable doubt, suggest the propriety of adopting the following resolution, viz:

Resolved, That the judiciary committee, in the investigation of the charges exhibited against Thomas Maxedon, a justice of the peace within and for the county of Orange, have leave to send for such witnesses as they may deem necessary in the investigation of said charges;

Which report was read, and

On motion of Mr. Pennington,

Ordered, To lie on the table.

Mr. Jackson of S., from the committee on claims; to which was referred the petition of William Reynolds, and others, citizens of Crawford county, praying compensation for apprehending David Carter, a fugitive from justice,

Reported, unfavorable to the prayer of the petitioners;

Which report having been read,

Mr. Levenworth, moved to lay the same on the table;

Which motion was decided in the negative.

The question recurring on concurring in said report:

And the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bell, Bence, Blake, Boon, Casey, Coffin, Conner, Crume, Davis of A., Dixon, Finley, Fite, Guion, Hamilton, Hendricks, Herod, Hillis, Hoover, Hawk, Jack, Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kinnard, Leviston, Little, Logan, Long, Morrison, Moyer, Pabody, Pennington, Rariden, Read, Rei-

ley, Slaughter, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker—45.

And those who voted in the negative, are,

Messrs. Beard, Brown, Davis of S., Evans, Gardner, Hall, Hussey, Jackson of D., Levenworth, Noble, Parks and Polke—12.

And so said report was concurred in, by the house.

Mr. Johnston of T., from the select committee, to which was referred the petition of Samuel Hoover, and others, citizens of the town of Lafayette,

Reported, in pursuance of the prayer of said petitioner, a bill to legalize the original survey of said town;

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Pennington,

The several orders of the day, which precede the engrossed bill from the senate, entitled an act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river, were for the present, postponed.

The house then proceeded to consider said bill; when,

Mr. Conner moved further to amend said bill, by adding the following, as an additional section, viz:

SEC. That the said commissioners shall meet at the town of _____ on the _____ day of _____ next, or on some subsequent day, and proceed to relocate so much of said road, as lies between the town of Logansport, in the county of Cass, and Indianapolis, so that the same shall run by the way of Noblesville, in the county of Hamilton, and to lay out the same, as near to a straight line between the aforesaid points, as the nature of the ground will permit; and said relocation shall

be governed in all respects by the provisions of the above recited act."

Whereupon,

Mr. Evans, called for the previous question:

And the same being demanded by three members:

The said previous question was put, viz:

Shall the main question be now put?

And the ayes and noes being required thereon, by two members:

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Blake, Boon, Casey, Coffin, Conner, Davis of A., Dixon, Dumont, Evans, Finley, Gardner, Hall, Hamilton, Hendricks, Hoover, Hussey, Jack, Jackson of D., Johnston of K., Johnston of T., Ketcham, Kinnard, Levenworth, McNary, Moyer, Parks, Polke, Pollock, Read, Reiley, Smith and Stewart—34.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Brown, Crume, Davis of S., Fite, Guion, Herod, Hillis, Howk, Jackson of S., Jones, Kingsbury, Leviston, Little, Logan, Long, Morrison, Noble, Pabody, Pennington, Rariden, Slaughter, Wallace of F., Wallace of J. and Smiley Speaker—27.

And so said question was carried in the affirmative.

The said main question was then put, viz:

Shall the amendments be engrossed, and the said bill pass to a third reading?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Blake,

Boon, Brown, Casey, Coffin, Conner, Davis of A., Dixon, Dumont, Evans, Finley, Hall, Hendricks, Hoover, Hussey, Jack, Jackson of D., Johnston of K., Johnston, of T. Ketcham, Kinnard, Levenworth, McNary, Moyer, Noble, Parks, Polke, Pollock, Read, Reiley, Stewart and Wallace of F.,—26.

And those who voted in the negative, are,

Messrs. Bence, Crume, Davis of S., Fite, Gardner, Guion, Hamilton, Herod, Hillis, Howk, Jackson of S., Jones, Kingsbury, Leviston, Little, Logan, Long, Morrison, Pabody, Pennington, Rariden, Slaughter, Smith, Wallace of J. and Smiley, Speaker—25.

And so said question was carried in the affirmative.

Mr. Pennington then moved that the amendments be considered as engrossed, and the said bill read a third time now:

Which motion was carried in the affirmative.

The said bill was then read the third time, when

Mr. Howk moved to recommit the same to a select committee, with instructions to amend it, so as to provide for its location, from Indianapolis to the falls of the Ohio, on the nearest and best route.

Mr. Long then moved to amend said instructions, so as to require said committee to amend said bill by directing the commissioners named in the second section thereof, to relocate that part of the Michigan road which lies between Logansport and Indianapolis, so as to make Noblesville in Hamilton county, a point.

Mr. Kinnard moved to amend Mr. Long's amendment to said instructions, by striking out the whole of said amendment, from and including the word 'relocate,' and inserting in lieu thereof, these words, 'meet at the town of Indianapolis, on or before the

first day of April next, and proceed to relocate so much of said route as lies north of Indianapolis, so as to run the same on the most direct route to the point selected on lake Michigan, or as nearly so as the nature of the country will possibly permit,' when,

Mr. Levenworth moved to lay said bill and proposed amendments on the table;

Which motion was decided in the negative.

The question recurring on Mr. Kinnard's amendment;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Davis of S., Dumont, Fite, Gardner, Hawk, Hussey, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, McNary, Morrison, Moyer, Parks, Pennington, Slaughter, and Smiley, Speaker—20.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A., Dixon, Evans, Finley, Guion, Hall, Hamilton, Hendricks, Herod, Hillis, Hoover, Jack, Jackson, of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Long, Noble, Pabody, Polke, Pollock, Read, Reiley, Smith, Stewart Wallace of F., and Wallace of J.—40.

And so said motion was decided in the negative.

Mr. Jackson of D., then moved to amend Mr. Long's motion, by striking out the word 'Logansport,' and inserting in lieu thereof, the words 'the southern bend of the St. Joseph;'

Which motion was decided in the negative.

The question then recurring on the amendment to said instructions, proposed by Mr. Long,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Bassett, Brown, Conner, Crume, Davis of A., Dumont, Hendricks, Hillis, Hoover, Hawk, Jackson of D., Levenworth, Long, Morrison, Moyer, Noble, Pabody, Pollock, Reiley, Smith, Wallace of F. and Wallace of J.—22.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Bence, Blake, Boon, Casey, Coffin, Davis of S., Dixon, Evans, Finley, Gardner, Guion, Hall, Hamilton, Herod, Hussey, Jack, Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kingsbury, Kinnard, Leviston, Little, Logan, McNary, Parks, Pennington, Polke, Read, Slaughter, Stewart, and Smiley, *Speaker*—37.

And so said motion was decided in the negative.

The question recurring on Mr. Hawk's motion to recommit, with instructions, as aforesaid;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Fite, Hamilton, Herod, Hoover, Hawk, Jackson of S., Kingsbury, Little, Logan, Long, Morrison, Moyer, Pabody, Parks, Pennington, Polke, and Slaughter.—19.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A. Davis of S., Dixon, Dumont, Evans, Finley, Gardoer, Guion, Hall, Hendricks, Hillis, Hussey, Jack, Jackson of D., Johnston of K., Jones, Ketcham, Kinnard, Levenworth, Leviston, McNary, Noble, Pollock, Read, Reiley, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, *Speaker*—40.

And so said bill was not so recommitted.

Mr. Evans then moved to recommit said bill to a

select committee, with instructions so to amend the second section, and all other parts thereof, as to make the same comport with the principles contained in the first section of said bill.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bence, Blake, Boon, Casey, Coffin, Dixon, Dumont, Evans, Fite, Hall, Hamilton, Herod, Howk, Hussey, Jackson of S., Johnston of K., Ketcham, Kingsbury, Levenworth, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter, Smith, Stewart and Wallace of F--34.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Brown, Conner, Crume, Davis of A., Davis of S., Finley, Gardner, Guion, Hendricks, Hillis, Hoover, Jack, Jackson of D., Jones, Kinnard, Leviston, Little, Logan, Long, Noble, Pollock, Wallace of J. and Smiley, Speaker--25.

And so said bill was recommitted as aforesaid.

Ordered, That Messrs. Evans, Read and Hall be said committee.

And then the house adjourned until 2 o'clock;
P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Brown from the joint committee for enrolled bills, reported, that they did on this day present to the governor for his approval and signature, the following enrolled bills, entitled "acts," to wit:

An act to authorise the circuit court of the county of Vanderburgh, to change the venue in a certain case therein named;

An act providing for the relocation, opening and improvement, of certain state roads; and also,

A joint resolution, relative to the three per cent fund.

Mr. Evans, from the select committee to which was recommitted, the bill relative to the Michigan road reported the same with the following amendments, to wit:

Strike out the second section and insert the following in lieu thereof.

Sect. 2. That Samuel Hannah of the county of Wayne, William Polke of the county of Knox, and Abraham McClelland of the county of Sullivan, be and they are hereby appointed commissioners on said road; whose duty it shall be to meet at the town of Indianapolis, on the first Monday in May next, or so soon thereafter as they can agree on; and after taking an oath well and truly to do and perform all and singular, the duties enjoined on them by this act, before some justice of the peace, they shall proceed to examine and mark out the said road, from the town of Indianapolis, through the said towns aforesaid, to the Ohio river, at the said town of Evansville; for which purpose they are hereby empowered to employ a surveyor, chain bearers, and all other necessary assistance; and when the said survey shall have been completed, it shall be the duty of said commissioners, to file in the office of the secretary of state, a true copy and plat of such survey; and also of the courses and distances; and field notes of the same.

In the 8th section, strike out from the word 'location,' in the third line, to the word 'to' in the fifth line, and insert the following, 'of said road.'

Which said amendments were read; when,

Mr. Pennington moved to amend the same, by striking out the words 'Abraham McClelland, of the county of Sullivan,' and inserting in lieu thereof, the words, 'Paul French of the county of Harrison.'

Which motion was decided in the negative.

The question recurring on concurring in said amendments, as reported by Mr. Evans,

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake Eoon, Brown, Casey, Coffin, Conner, Davis of A., Davis of S. Dixon, Dumont, Evans, Finley, Fife, Gardner, Guion, Hall, Hamilton, Hendricks, Herod, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Ketcham, Kinnard, Levenworth, Leviston, McNary, Moyer, Noble, Pabody, Parks, Pennington, Polke, Pollock, Read, Reiley, Slaughter, Stewart, and Wallace of F.—47.

And those who voted in the negative, are,

Messrs. Crome, Hillis, Howk, Jones, Kingsbury, Little, Logan, Long, Rariden, Smith, Wallace of J. and Smiley, Speaker—12.

And so said amendments were concurred in by the house.

The said amendments were then considered as engrossed; and the said bill was again read the third time; when,

Mr. Hillis moved to recommit said bill to a select committee, with instructions to strike out of the first section thereof, the words “Martinsville, Bloomington, Washington, Petersburg and Evansville,” and insert in lieu thereof the words ‘by way of Franklin, in Johnston county, Columbus, in Bartholomew county, thence to Madison, in the county of Jefferson;’ and to alter said bill throughout, so as to make the same correspond with the said amendment.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Conner, Crome, Davis of A., Davis of S., Hamilton, Herod, Hillis, Howk, Jackson of S., Jones, Kinnard;

Leviston, Logan, Long, Pabody, Rariden, Slaughter, Wallace of F., Wallace of J. and Smiley, Speaker—20.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beal, Bence, Blake, Boon, Brown, Casey, Coffin, Dixon, Dumont, Evans, Finley, Fite, Gardner, Guion, Hall, Hendricks, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Ketcham, Kingbury, Levenworth, Little, McNary, Morrison, Moyer, Noble, Parks, Pennington, Polke, Pollock, Read, Riley, Smith, and Stewart—39.

And so said motion was decided in the negative.

Mr. Pabody moved to recommit said bill to a select committee with instructions to amend the same so as to provide for the location of said road to Madison, by the way of Shelbyville and Vernon.

Mr. Bassett moved to amend said instructions, by striking out the word 'Vernon,' and inserting in lieu thereof, the word 'Greensburgh;'

And a division of the question being called for by Mr. Pabody; the question was taken on striking out the word 'Vernon;'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Armstrong, Bassett, Beard, Brown, Conner, Davis of A., Davis of S., Dumont, Finley, Gardner, Guion, Hendricks, Hoover, Jack, Jackson of D., Johnston of T. Jones, Leviston, Long, Noble, Pollock, Rariden, Smith, and Smiley, Speaker—24.

And those who voted in the negative, are,

Messrs. Bell, Bence, Blake, Boon, Casey, Coffin, Crume, Dixon, Evans, Fite, Hall, Hamilton, Herod, Hillis, Hawk, Hussey, Jackson of S., Johnston of K., Ketcham, Kingsbury, Kinnard, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley Slaughter Stewart, Wallace of F. and Wallace of J—37.

And so said question was decided in the negative.

The question recurring on Mr. Pabody's motion to recommit said bill with the instructions afore-said;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Conner, Crume, Hillis, Hocyer, Howk, Jackson of S., Jones, Kinnard, Leviston, Long, Pabody, Wallace of F., Wallace of J. and Smiley, Speaker—14.

And those who voted in the negative, are,

Messrs. Armstrong, Basset, Beard, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Davis of A., Davis of S., Dixon, Dumont, Evans Finley, Fite, Gardner, Guion, Hall, Hamilton, Hendricks, Herod, Jack, Jackson of D., Johnson of K., Johnston of T., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Noble, Parks, Pennington, Polke, Pollock, Rariden, Read, Reiley, Slaughter, Smith, and Stewart—45.

And so said question was decided in the negative.

Mr. Pabody moved to recommit said bill to the committee on roads, with instructions so to amend the same, as to locate the road to Jeffersonville, by way of Shelbyville, Vernon, New Lexington and Charlestown.

Whereupon,

Mr. Rariden called for the 'previous question;' and the same being demanded by three members;

The said previous question was put, viz: Shall the main question be now put?

And the ayes and noes being required thereon, by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Conner, Dixon, Dumont, Evans, Gardner, Guion, Hall, Hen-

dricks, Herod, Hoover, Hussey, Jack, Jackson of D., Johnston of K., Johnston of T., Ketcham, Levenworth, McNary, Moyer, Noble, Parks, Pollock, Rariden, Read, Reiley, Stewart and Wallace of F.—37.

And those who voted in the negative, are,

Messrs. Crume, Davis of A., Davis of S., Finley, Fite, Hamilton, Hillis, Hawk, Jackson of S., Jones, Kingsbury, Kinnard, Leviston, Little, Logan, Long, Morrison, Pabody, Pennington, Polke, Slaughter, Smith, Wallace of J. and Smiley, Speaker—24.

And so said question was carried in the affirmative.

The said main question was then put, viz:

Shall the bill pass?

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Boon, Brown Casey, Coffin, Davis of A., Davis of S., Dixon, Dumont, Evans, Fioley, Gardner, Guion, Hall, Hendricks, Hoover, Hussey, Jack, Johnston of K., Johnston of T., Ketcham, Kinnard, Levenworth, McNary, Morrison, Moyer, Noble, Parks, Pennington, Polke, Pollock, Read, Reiley, Slaughter, Smith, Stewart and Wallace of F.—42.

And those who voted in the negative, are,

Messrs. Conner, Crume, Fite, Hamilton, Herod, Hillis, Hawk, Jackson of D., Jackson of S., Jones, Kingsbury, Kinnard, Leviston, Little, Logan, Long, Pabody, Rariden, Wallace of J. and Smiley, Speaker—20.

And so said bill passed.

Ordered That the clerk inform the senate thereof, and ask their concurrence in said amendments.

A message was received from the senate by Mr. Test, their assistant secretary, announcing—

That the senate has passed an engrossed bill, from the house of representatives, entitled an act to establish a state road from Middletown, in Shelby county, via Moscow, in Rush county to intersect the Brookville state road, at or near Erasmus Aldridge's, with amendments, in which the concurrence of the house of representatives is requested.

The senate has also passed, an engrossed bill originating in the senate entitled an act concerning clerks' offices, in which also, they request the concurrence of the house of representatives.

The house concurred generally, in the amendments proposed by the senate, to the first mentioned bill in said message.

Ordered, That the clerk inform the senate thereof.

The last mentioned bill in said message was read the first time, and passed to a second reading tomorrow.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing—

That the senate has passed engrossed bills from the house of representatives, entitled as follows, to wit:

An act to incorporate the Jefferson county seminary;

An act supplementary to an act, entitled an act for the opening a state road in the county of Allen, and

An act to establish a state road from George Kline's, in Franklin county, to the Lawrenceburgh state road on the west side of Flatrock, in Decatur county: the last mentioned bill with an amend-

ment, in which they request the concurrence of the house of representatives; the two first without amendment.

The senate has also passed engrossed bills, originating in the senate, entitled acts, as follows, to wit:

An act to incorporate the Greencastle seminary society:

An act to authorize the boards doing county business, to improve the navigation of streams;

In which last mentioned bill they also request the concurrence of the house of representatives.

The house concurred in the amendment proposed by the senate, to the third bill mentioned in said message.

Ordered, That the clerk inform the senate thereof.

The two last mentioned bills in said message, were severally read the first time, and passed to a second reading to-morrow.

Mr. Dumont after having obtained leave presented a bill for the appropriation of money to aid in building a bridge over Plumb creek;

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Crume,

The several orders of the day which precede the bill to locate a certain state road therein named, and for other purposes, were for the present postponed;

And the committee of the whole, to which said bill had been previously committed, was discharged from the further consideration thereof.

Mr. Little moved to amend said bill, by striking out in the latter part of the same, the word 'passage,' and inserting in lieu thereof, the word 'publication;'

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The house then proceeded to consider the orders of the day.

The memorial and joint resolution of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to lands within this state, and of removing the Indians beyond the Mississippi, was read the second time, when

Mr. Dumont moved to commit the same to a committee of the whole house for to-morrow;

And the ayes and noes being required thereon, by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Conner, Crume, Dumont, Fite, Guion, Hamilton, Hillis, McNary, Noble, Pennington, Read, Smith, and Wallace of J.,—15.

And those who voted in the negative, are,

Messrs. Bassett, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Davis of A., Davis of S., Dixon, Evans, Finley, Hendricks, Herod, Hoover, Hawk, Husey, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviaton, Little, Logan, Long, Moyer, Pabody, Parks, Polke, Pollock, Reiley, Slaughter, Stewart, Wallace of F., and Smiley, Speaker—41.

And so said motion was decided in the negative.

The said memorial and joint resolution was then ordered to be engrossed and read the third time to-morrow.

And then the house adjourned, until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, JANUARY 6, 1830.

The house met pursuant to adjournment.

Mr. Parks presented a petition of John C. Curens, and others, citizens of the counties of Lawrence and Jackson, praying the formation of a new county to be taken from the aforesaid counties of Jackson and Lawrence, and from the county of Monroe;

Which was read and referred to a select committee of Messrs. Parks, Hamilton, Little, Ketcham, and Moyer.

Mr. Rariden presented a claim of Thomas Commons and John Scott, for certain services rendered the state, in the suit of Samuel Merrill, treasurer, verses William McLane, and his securities for failing to collect the conscientious fines in the county of Wayne;

Which was read and referred to the committee on claims.

Mr. Read from the committee of ways and means to which were referred so much of the Governor's message, as relates to asylums for the poor, and a resolution of the house, on the same subject, reported a bill in pursuance of the same;

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for to-morrow.

Ordered, That sixty five copies of said bill be printed, for the use of the members of this house.

Mr. Davis of S. from the select committee to which was referred the petition of John J. Lewis, late collector of Shelby county, reported a bill for his relief, which was read the first and second times, the rules of the house having first been dispensed with and

Ordered, To be engrossed and read a third time to-morrow.

On motion of Mr. Armstrong,

Resolved, That a select committee be appointed to enquire into the expediency of reporting a bill to this house erecting and establishing all that part of the territory of the state of Indiana, bounded west by the state of Illinois, and north by the Ohio state line and the territory of Michigan, and that country bounded by Lake Michigan, which may be within the chartered limits of the state of Indiana, and the same lay off into counties of suitable size and dimensions.

Ordered, That Messrs. Armstrong, Davis of A., Gardner, Johnston of T., Beard, Hillis, Crume, Conner and Long, be said committee.

Mr. Wallace of J., moved the following resolution, viz:

Resolved, That a select committee be appointed to enquire into the expediency of establishing a state bank, to be located at Indianapolis, with three or four branches, to be located at such places as may be agreed upon, based upon the capital of the seminary, school, canal and such other disposable funds as may be within the control of the legislature; when,

Mr. Hillis moved to lay the same on the table;

Which motion was carried in the affirmative.

The house then proceeded to consider the orders of the day.

The bill amendatory to the several acts now in force, regulating the writ of habeas corpus.

The bill to repeal part of an act therein named.

The bill concerning the seminary site of Union county; and

The bill for the relief of the citizens of Daviess county, were severally read the second time, and ordered to be engrossed and read a third time tomorrow.

The bill authorizing the leasing of Jackson's Lick, in the county of Monroe.

The memorial of the general assembly of the state of Indiana, on the subject of Sunday mails.

The bill regulating mill dams, on navigable streams; and

The bill respecting arrearage seminary funds;

Were severally read the second time and committed to a committee of the whole house for to-morrow.

The bill providing for the state printing and for other purposes, was read the second time, and committed to the same committee of the whole house to which is committed a bill from the senate on the same subject.

The engrossed memorial from the senate, to the Congress of the United States, for the benefit of Certificate holders of forfeited lands, within the state of Indiana;

Was read the second time and passed to a third reading to-morrow.

The engrossed bill from the senate entitled an act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes;

Was read the second time; and

On motion of Mr. Hillis,

The same was ordered to lie on the table.

The engrossed bill from the senate, entitled an act to authorize the boards doing county business to improve the navigation of streams;

Was read the second time and committed to a committee of the whole house for to-morrow.

On motion of Mr. Johnston of T.,

The several orders of the day which precede the bill for the formation of a new county east of Tippecanoe county, were for the present postponed;

And the committee of the whole house to which said bill was some time since committed, was discharged from the further consideration thereof.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the said bill to the senate and ask their concurrence therein.

A message was received from the senate by Mr. Test, their assistant secretary, announcing—

That the senate refuses to concur in the amendments proposed by the house of representatives, to the engrossed bill, entitled an act, to establish a state road from Lake Michigan, by way of Indianapolis to some convenient point on the Ohio river.

Mr. Brown then moved that the house recede from their said amendments.

And before the question was taken on said motion, the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment,

And resumed the consideration of the bill, set forth in the above message; when,

Mr. Brown renewed his motion to recede from the amendments proposed by the house to said bill;

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Finley, Gardner, Guion, Hendricks, Hillis, Hoover, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, Noble, Pollock, Rariden, Smith, Wallace of F., Wallace of J., and Smiley, Speaker--32.

And those who voted in the negative, are,

Messrs. Bell, Bence, Blake, Casey, Coffin, Dixon, Evans, Fite, Hall, Hamilton, Herod, Howk, Hussey, Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer,

Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter²
and Stewart--29.

And so the house receded from their amendments to said bill.

Ordered, That the clerk inform the senate thereof.

The speaker laid before the house, the following communication, to wit:

Hon. Ross Smiley, Speaker of the House of Representatives:

SIR:

The undersigned having been appointed, under a resolution of the senate, a committee to make arrangements for the funeral rites and burial of the Hon. D. C. Lane, late a senator from the county of Harrison, take the liberty of informing you, and through you, the house over which you have the honor to preside, that the funeral procession will be formed in front of the door of the dwelling of Mrs. Nowland, at ten o'clock of to-morrow morning, to join in which the house of representatives and its officers are invited.

JOHN DANIEL,
WILLIAM GRAHAM,
JOHN DEPAUW,

Committee of Arrangements.

And the house adjourned until 2 o'clock P. M. to-morrow.

THURSDAY 2, O'CLOCK, P. M. JANUARY 7, 1830.

The house met pursuant to adjournment.

Mr. Pennington moved the following resolution:

Resolved, That the report made this day, by Mr. Bassett, to the senate, of the bill locating the Michigan road, was unauthorised by this house: therefore the senate are requested to return said bill.

Mr. Blake moved to amend the same, by striking out the whole of said resolution from the word 'resolved,' and inserting in lieu thereof, these words: 'That the senate be requested to return to the house of representatives, the Michigan road bill; said bill, and the last proceedings of this house on the same having been reported to the senate by mistake.

Mr. Hoover then moved to postpone the further consideration of said resolution and proposed amendment; indefinitely.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Finley, Gardner, Guion, Hall, Hendricks, Hillis, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, Noble, Pollock, Rariden, Smith, Wallace of F., Wallace of J. and Smiley, *Speaker*—31.

And those who voted in the negative, are,

Messrs. Bell, Bence, Blake, Casey, Coffin, Dixon, Evans, Fite, Hamilton, Herod, Hawk, Hussey, Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter and Stewart,—29.

And so said resolution and proposed amendment were postponed indefinitely.

Mr. Hall presented the following report, viz:

The committee on the judiciary, to whom was

referred a resolution of this house, directing an enquiry into the expediency of so amending the revenue law, as to make it the duty of the sheriffs and collectors to make return of their delinquent lists, for the non-payment of taxes, on lands in their respective counties, to the circuit court; the court to order such lists to be published; and at a subsequent term to render judgment, and award execution as in other cases;—have had the same under consideration, and have directed me to report,

That they deem it inexpedient to change the revenue laws now in force, so as to comport with the views of the mover of the resolution.

Which report was read and concurred in by the house.

Mr. Hall, from the same committee to which was referred a resolution of this house, on the subject of the law requiring seals to wills and testaments, reported a bill to amend the act regulating the practice in suits at law:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hall, from the committee on education, to which was referred the petition of John F. Ross and others, reported a joint resolution on the subject of the deaf and dumb persons within this state:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Boon, from the committee on claims, to which was referred the petition of Jesse Wright, of Monroe county, reported that said Wright ought to be allowed the further sum of \$39.50, which he paid to Charles Young, one of the persons employed by him to assist in the capture of Nathan Baker, a fugitive from justice; and also \$13.00 for thirteen days services, in capturing said fugitive; and that Solomon Green ought to be allowed the sum of \$13.00 for thirteen days services in capturing said

Baker; and therefore recommend the adoption of the following resolution:

Resolved, That the committee of ways and means be directed to make the above allowances in the bill making specific appropriations for the year 1830.

The said report was read, and

Ordered To lie on the table.

Mr. Pennington, from the committee on roads, to which was referred the petition of James Ritchie and others, reported a bill to locate a state road from Troy, in Perry county, to Washington, in Daviess county:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Kinnard, from the select committee, to which was referred the petition of Jacob Sheets and others, reported a bill for the formation of the county of Ray:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hoover moved the following resolution, viz:

Resolved That the committee on education be instructed to enquire into the expediency of calling to account all trustees of school sections, who may have funds in their hands arising from the rents of school sections.

The said resolution was read, and

Ordered To lie on the table.

On motion of Mr. Crume, it was

Resolved, That the committee of ways and means be instructed to compile all the laws now in force, relative to assessing and collecting the revenue, that the same may be printed in the acts of the present general assembly.

On motion of Mr. Kinnard, it was

Resolved That a committee enquire into the expediency of reducing recorders fees, in the county of Marion; the recorder of said county being also clerk thereof.

Ordered That Messrs. Kinnard, Long and Noble, be said committee.

Mr. Noble, after having obtained leave, presented a bill to incorporate the Franklin county seminary:

Which was read the first time, and passed to a second reading to-morrow.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate have passed an engrossed memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of certain saline reserves, in which they desire the concurrence of this house.

The said memorial was read the first time and passed to a second reading to-morrow.

And then the house adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, JANUARY 8, 1830.

The house met pursuant to adjournment.

Mr. Hoover presented a petition of Elijah Fisher and others, citizens of Wayne county, praying the incorporation of a turnpike company, to construct a road leading from Richmond, in said county, to Rossville, in Butler county, Ohio:

Which was read and referred to a select committee of Messrs. Hoover, Finley, Rariden, Levison, Crume, Jones and Long.

Mr. Finley presented a petition of Elisha W. Fulton and others, citizens of the said county, on the same subject:

Which was read, and referred to the same select committee.

Mr. Conner presented a petition of Robert Shelton and others, citizens of Hancock. Rush and

Henry counties, praying that Blue river may be declared a highway, from the township line dividing townships 14 and 15, up to Macy's mill:

Which was read, and referred to a select committee of Messrs. Conner, Davis of S., Long and Brown.

Mr. Read presented a petition of Thomas C. Stewart, of Pike county, praying compensation for taking the census of said county, for the year 1820:

Which was read, and referred to the committee on claims.

On motion of Mr. Blake,

Mr. Logan and Mr. Bell were added to the select committee, to which was referred the petition of sundry citizens of Lawrence and Jackson counties, on the subject of a new county.

The speaker laid before the house the following communication:

INDIANAPOLIS, JAN. 8, 1830.

HON. ROSS SMILEY:

SIR: The committee, to whom was assigned the duty of making all necessary arrangements, preparatory to the celebration of the 8th of January, have directed me to communicate to you, and through you to the house of representatives, an invitation to join in the celebration of this day.

Respectfully yours,

JOHN C. REILEY,

For READ,	}	COMMITTEE.
NOBLE,		
HOWK,		
LEMON,		
WICK,		
CASEY,		

On motion of Mr. Herod,

Resolved, That the committee of ways and means

be instructed to enquire into the expediency of authorising, by law, regularly licensed ferry-keepers, to retail spirituous liquors, under the same license, to travellers only.

On motion of Mr. Hussey,

Resolved, That a select committee be appointed to enquire into the expediency of removing the road tax on real estate, in the county of Morgan.

Ordered, That Messrs. Hussey, Dixon and Kinard, be said committee.

Mr. Morrison from the joint committee on enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled

An act to incorporate the Jefferson county seminary society;

An act supplementary to an act entitled 'An act for the opening a state road in the county of Allen;'

An act to establish a state road from George Kline's, in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county;

And find the same truly enrolled.

When, the speaker signed said bills.

Ordered, That the same be entitled 'acts,' and that the clerk carry them to the senate, for the signature of their president,

The house then proceeded to consider the orders of the day.

The engrossed bill from the senate, entitled 'An act to incorporate the Greencastle seminary society; and

The engrossed bill from the senate, entitled 'An act concerning clerk's offices;'

Were severally read the second time, and passed to a third reading to-morrow.

The bill for the appropriation of money to aid in building a bridge over Plumb creek;

The bill to legalize the original survey of the town Lafayette;

The memorial of the general assembly of the state of Indiana, relative to the grant of land, for the purpose of improving the mail route from New Albany to Evansville;

Were severally read the second time; and

Ordered To be engrossed, and read a third time to-morrow.

The bill to locate part of the state road from Shelbyville, in Shelby county, to Andersontown, in Madison county, was read the second time; when,

Mr. Davis of S., moved to amend the same by striking out the name of 'Martin Snow,' and inserting that of 'John Kennedy?'

Which motion was carried in the affirmative.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

The bill for the relief of Samuel Postlewait, was read the second time; and

Ordered To be engrossed, and read a third time to-morrow.

The bill for the formation of the county of Ray, was read the second time; when,

Mr. Blake moved to commit said bill to a committee of the whole house for to-morrow;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Bence, Blake, Boon, Brown, Coffin, Conner, Davis of A., Dixon, Evans, Finley, Fite, Hall, Hamilton, Howk, Kingsbury, Little, Moyer, Noble, Pabody, Pennington, Polke, Stewart, and Wallace of J.—24.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Casey, Crume, Davis of S., Dumont, Guion, Hendricks, Herod, Hillis, Hoover, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kinnard, Leviston, Logan, Long, McN-

ry, Morrison, Parks, Pollock, Read, Reiley, Slaughter, Smith, Wallace of F. and Smiley, *Speaker*—33.

And the said bill was not so committed.

Mr. ~~W~~ then moved to amend said bill, by striking out the word 'Ray,' and inserting in lieu thereof the word 'Mercer;' when,

Mr. Wallace of J., moved to lay said bill and proposed amendment on the table:

And before the question was taken on said motion,

Mr. Hillis moved that the house adjourn until to-morrow morning 9 o'clock;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Brown, Casey, Coffin, Conner, Davis of A., Dumont, Evans, Finley, Fite, Hall, Hendricks, Herod, Hillis, Hawk, Hussey, Johnston of T., Kingsbury, Levenworth, Logan, Morrison, Noble, Pabody, Pennington, Polke, Pollock, Rariden, Read, Reiley, Slaughter, Stewart, Wallace of F. and Wallace of J.—35.

And those who voted in the negative, are,

Messrs. Blake, Boon, Crume, Davis of S., Dixon, Gardner, Guion, Hamilton, Hoover, Jack, Jackson of D., Jackson of S., Johnston of K., Jones, Ketcham, Kinnard, Leviston, Little, Long, McNary, Moyer, Parks, Smith, and Smiley, *Speaker*—24.

And so the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JANUARY 9, 1830.

The house met pursuant to adjournment.

Mr. Findley presented a petition of Benjamin Pardew, and others, citizens of the counties of

Wayne and Henry, praying that the Shoek mill road, leading from Castor's tavern, on the state road, in the county of Wayne, to New Castle, in Henry county, may be established as a state road;

Which was read and referred to a select committee of Messrs. Finley, Long, Conner, Hoover and Jones.

Mr. Davis of A., presented a petition of Robert Hood, and others, citizens of the county of Allen, praying that Lewis H. Davis, of said county may be authorized to continue to keep up his mill dam across the river St. Marys in said county;

Which was read and committed to the same committee of the whole house, to which is committed a bill to amend an act, entitled an act relative to navigable streams declared highways by the ordinance of Congress of 1787, approved, January 23, 1829.

Mr. Davis of A., also presented a petition of Henry Cooper, and others, citizens of the state of Indiana, praying that Congress may be memorialized to grant to this state, the state of Ohio, and Territory of Michigan, a strip of land, of one hundred feet wide for the purpose of locating a turnpike road from Fort Wayne to Detroit, (via Tecumseh;) and also, for a grant of one section of good land, contiguous to said road, for every mile said road shall extend through the unsold lands belonging to the United States, and that the legislatures of the state of Ohio and Territory of Michigan, may be requested to aid in the above subject;

Which was read and referred to the committee on roads.

Mr. Beard presented a petition of George Miller, and others, citizens of Montgomery county, praying the location of a state road, from Franklin, in Johnston county, by the way of the Bluffs, Moorsville and Danville, to Crawfordsville;

Which was read, and referred to the committee on roads.

Mr. Pabody, from the committee on education to which was referred sundry petitions and resolutions on the subject of the sale of the school lands, and the disposal of the proceeds thereof, reported a bill amendatory of the act upon that subject;

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for Monday next.

Ordered That sixty five copies of said bill be printed for the use of the members of this house.

The engrossed bill from the senate on the same subject, was taken up, and committed to the same committee of the whole house.

Mr. Pennington, from the committee on roads, to which was referred the petition of — Matheny, and others, citizens of Vanderburgh county, praying the location of a state road from Evansville to Anthony's ferry on the Ohio river, reported a bill in pursuance of the prayers of the petitioners;

Which was read the first time, and passed to a second reading on Monday next.

Mr. Read, from the select committee to which was referred the petition of Frederick Sholtz, praying authority to build a toll bridge across Lost river, reported a bill in pursuance of the prayer of the petitioner;

Which was read the first time, when

Mr. Moyer moved to reject said bill;

Which motion was carried in the affirmative.

Mr. Parks, from the select committee to which was referred the petition of John C. Cavins, and others, praying the formation of a new county out of the counties of Jackson and Lawrence, reported, that they have had the subject under consideration and are not certain, but that to grant the prayers of the petitioners, would reduce the old counties under

the constitutional size, and endanger the removal of the seats of Justice of said counties, and are therefore of opinion that the prayer of the petitioners ought not to be granted;

Which report was read and ordered to lie on the table.

Mr. Hussey, from the select committee to which was referred the petition of Samuel Moor, and others, citizens of the county of Morgan, on the subject of a public ferry in said county, reported, that although, the same would doubtless be of public utility, yet it is considered unnecessary to legislate on that subject, as the board of commissioners are fully authorized by law to establish said ferry;

Which report was read and concurred in by the house.

On motion of Mr. Levenworth,

Resolved, That the judicial committee be instructed to examine the compact of the state of Virginia, authorizing the state of Kentucky, to be constituted an independent state, and extract from the compact, that part which gives concurrent jurisdiction to the state of Indiana, with the state of Kentucky upon the Ohio river, so far as the Ohio river is the dividing line of the states, and that such extract be printed with the acts of this general assembly on the subject of the concurrent jurisdiction of the various counties of this state, upon the Ohio river.

On motion of Mr. Wallace of J.,

Resolved, That the committee of ways and means be instructed to revise, amend and reduce into one, all laws now in force in this state, on the subject of assessing and collecting the revenue; so that the same may be printed with the acts of this general assembly.

Mr. Conner asked and obtained leave of absence from the services of the house, until Monday next.

The house then resumed the consideration of the

bill for the formation of the county of Ray, north of the counties of Hendricks and Marion, when

Mr. Wallace of J., withdrew his motion, made on yesterday, to lay said bill on the table.

Mr. Pennington then moved that the further consideration of said bill be postponed, until the first Monday in August next;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bence, Boon, Coffin, Fite, Hawk, Kingsbury, Little, Logan, Moyer, Pennington, Polke, Read, Reiley, and Wallace of J.,—14.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Blake, Brown, Casey, Crume, {Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hamilton, Hendricks, Herod, Hillis, Hoover, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K, Johnston of T., Jones, Ketcham, Kinnard, Levenworth, Leviston, Long, McNary, Morrison, Noble, Pabody, Parks, Pollock, Rariden, Slaughter, Smith, Stewart, Wallace of F. and Smiley, Speaker—46.

And so said motion was decided in the negative.

On motion of Mr. Rariden,

The said bill was then recommitted to the same select committee by which the same had been reported, with instructions so to amend it as to leave the name of said county blank.

Mr. Kinnard by consent of the house reported back said bill under the following title, to wit:

A bill for the formation of a new county north of the counties of Hendricks and Marion, and in accordance with the above instructions.

Mr. Rariden then moved to commit said bill to a committee of the whole house, for to-day:

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole, on the above named bill, and after

some time spent therein the speaker resumed the chair, and Mr. Beard reported the same, with sundry amendments.

The house concurred in said amendments generally, and the bill was ordered to be engrossed, and read a third time, on Monday next.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Blake,

The several orders of the day which precede the engrossed joint resolution, from the senate, to declare, establish, ratify and confirm, with one fundamental condition, the compact entered into, between Wyllys Silliman, commissioner on the part of the state of Ohio, and Jeremiah Sullivan, commissioner on the part of the state of Indiana; and the joint resolution of this house, on the same subject, were for the present postponed: and

The house again resolved itself into a committee of the whole, on the said resolutions, and after some time spent therein, the speaker resumed the chair, and Mr. Bell reported progress, and asked leave to sit again:

Which leave was granted by the house.

Mr. Brown, from the joint committee for enrolled bills, reported that they did on this day, present to the governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act supplementary to an act, entitled an act for opening a state road in the county of Allen;

An act to incorporate the Jefferson county seminary society;

An act to establish a state road from George Kline's, in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county.

Mr. Morrison, from the committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled,

An act to establish a state road from Middletown, in Shelby county, via Moscow, in Rush county, to intersect the Brookville state road at or near Erasmus Aldridge's;

An act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river;

And find the same truly enrolled.

When the speaker signed said bills.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

The house postponed the several bills, on the second reading, and proceeded to consider the third readings.

The engrossed bill concerning the seminary site in Union county;

The engrossed bill for the relief of John J. Lewis, late collector of Shelby county;

The engrossed bill amendatory to the several acts now in force, regulating the writ of habeas corpus;

The engrossed bill to locate a state road therein named, and for other purposes; and

The engrossed memorial and joint resolution of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to land within this state, and removing the Indians beyond the Mississippi;

Were reverally read the third time and passed.

Ordered, That the said bills be entitled *Acts*;

And that the clerk carry the same, together with the said memorial, to the senate, and ask their concurrence therein.

The engrossed memorial from the senate to the Congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill for the relief of the citizens of Daviess county, was read the third time, and re-committed to a select committee of Messrs. Read, Johnston of K. and Moyer.

The engrossed bill to repeal part of an act therein named;

Was read the third time and re-committed to a select committee of Messrs. Hoover, Finley and Jones.

And then the house adjourned, until Monday morning 9 o'clock.

MONDAY MORNING, JANUARY 11, 1830.

The house met pursuant to adjournment.

Mr. Herod presented a petition of Nathaniel Parker and others, citizens of the counties of Montgomery, Putnam and Park, praying the formation of a new county, to be taken from the territory belonging to the counties aforesaid:

Which was read and referred to a select committee of Messrs. Herod, Gardner, Johnston of T., Beard, McNary, Hussey, Dixon and Evans.

Mr. Basset presented a petition of Benjamin Walker and others, citizens of Dearborn county, praying that the law on the subject of water crafts going adrift, may be amended:

Which was read, and

Ordered To lie on the table.

Mr. Hendricks presented a petition of Samuel Glasgow and others, citizens of Ripley and Jennings counties, praying that a part of said counties may be attached to the county of Decatur:

Which was read and referred to a select committee of Messrs. Hendricks, Smith, Pabody, Brown and Davis of S.

Mr. Smith presented a remonstrance of Amos Stewart and others, citizens of Ripley county, against the prayer of the above petitioners:

Which was read and referred to the same select committee.

Mr. Jackson of D., presented a petition of William Downing and others, citizens of Delaware county, praying that the mode of doing county business in said county, may be changed from justices of the peace, to commissioners:

Which was read, and referred to a select committee of Messrs. Jackson of D., Long and Jones.

Mr. Davis of A., presented a petition of Lathrop M. Taylor and others, citizens of the unorganized territory on the St. Josephs, praying the formation of two new counties in that region of the country, to be called St. Joseph and Elk Hart:

Which was read, and referred to a select committee of Messrs. Davis of A., Hillis, Wallace of F., Finley, Johnston of T., Jackson of D. and Hoover.

Mr. Smith presented a petition of Thomas Currin and others, citizens of Ripley county, praying that Simeon Slawson, of the county of Switzerland, commissioner on the state road, No. 16, may be removed from office, as such commissioner, for reasons set forth in said petition:

Which was read, and referred to the committee on roads.

Mr. Dumont moved that said committee be authorised to send for persons and papers on the above subject:

Which motion was decided in the negative.

Mr. Wallace of J., presented the petition of George W. Leonard and others, citizens of the town of Madison, in said county, praying that the bounds of the incorporation of said town may be extended:

Which was read, and referred to a select com-

mittee of Messrs. Wallace of J., Hillis and Dumont.

Mr. Davis of S., presented a remonstrance of Ira Baily and others, citizens of the county of Shelby, against the relocation of that part of the state road leading from Shelbyville to Andersontown, which lies between Greenfield and Marion:

Which was read, and

Ordered To lie on the table.

Mr. Boon presented a petition of Joseph D. Smock and others, citizens of Sullivan county, praying the relocation of the seat of justice of said county:

Which was read, and

Ordered To lie on the table.

Mr. Rariden, from the committee on the judiciary, to which was referred a resolution of the house requiring said committee to enquire into the expediency of amending the law regulating the jurisdiction and duties of justices of the peace, so as to require appeals to the circuit court to be carried up by the proper constable, allowing him fees for such services, reported,

That in the opinion of said committee, such an enactment would be inexpedient: they, therefore, request to be discharged from the further consideration of said subject:

Which was read and concurred in by the house.

Ordered, That said committee be discharged from the further consideration of said resolution.

Mr. Hall made the following report:

The judiciary committee, to whom was referred a resolution of this house directing them to enquire into the expediency of so amending the law defining the duties of constables as to relieve that officer from the necessity of paying the amount of forfeited delivery bonds, before it can be collected by legal process from the persons who may have executed

said board, have had that subject under consideration, and have directed me to report,

That they believe an alteration of the law, as proposed in the resolution, should be made; but as the subject is now before the house, in a bill providing for duties of justices of the peace, they pray to be discharged from the further consideration of that subject:

Which report was read and concurred in by the house.

Ordered, That said committee be discharged from the further consideration of said subject.

Mr. Herod, from the same committee, to which was referred a resolution of the house on the subject of revising the laws of this state, reported,

That they have had the same under consideration, and are of opinion that any revision of the laws at this time would be unnecessary:

Which report was read and concurred in by the house.

Mr. Howk made the following report :

The judiciary committee, to whom was referred a resolution of this house, directing an enquiry into the expediency of so amending the law as to require persons prosecuting in behalf of the state before justices of the peace to pay all costs that may accrue, in case the prosecution be not sustained. have had that subject under consideration, and are of opinion, that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which report was read and concurred in by the house.

Ordered, That said committee be discharged from the further consideration of the said subject.

Mr. Herod, from the same committee to which was referred the petition and accompanying documents of Peter Kearnes, praying to be divorced

from his wife, Sarah Ann Kearnes, reported unfavorable to the prayer of the petitioner:

Which report was read and concurred in by the house.

Mr. Read, from the select committee, to which was recommitted the bill for the relief of the citizens of Daviess county, reported said bill with one amendment:

Which was read and concurred in by the house.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

Mr. Hoover, from the select committee, to which was recommitted the bill to repeal part of an act therein named, reported said bill with one amendment:

Which was read, and the said bill and amendment,

Ordered To lie on the table.

On motion of Mr. Guion,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of fixing a day certain, when real estate may be sold for taxes, which day shall not be before the second Monday in October next ensuing, after such property becomes taxable.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate has passed an engrossed joint resolution relative to the Illinois grant, from the house of representatives, with an amendment, in which the concurrence of the house of representatives is requested.

They have also passed engrossed bills, originating in the senate, entitled 'acts,' as follows, to wit:

An act to improve the navigation of Lost river. White Water river, and other streams therein named: and.

An act for the relief of James Ball;

In which last mentioned bills, the concurrence of the house of representatives is also requested.

On motion of Mr. Howk,

The house refused to concur in the amendment proposed by the senate to the bill first mentioned in said message.

Ordered, That the clerk inform the senate thereof.

The second named bill in said message, was read the first and second times, the rules of the house having first been dispensed with; when,

Mr. Rariden moved to amend the same, by adding the following as an additional section:

“That the sum of three hundred dollars be and the same is hereby appropriated, out of the three per cent. fund, for the improvement of a state road from Centreville to Newcastle, via Jacksonsburgh; the same to be expended under the direction of Ephraim Clark, of Wayne county.

Mr. Smith then moved to lay said bill and proposed amendment on the table:

Which motion was decided in the negative.

The question recurring on Mr. Rariden’s amendment;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Boon, Evans, Finley, Guion, Hamilton, Hendricks, Hoover, Jack, Jackson of D., Johnston of T., Jones, Kinnard, Levenworth, Little, Long, Morrison, Pollock, Rariden and Smiley, *Speaker*—21.

And those who voted in the negative, are,

Messrs. Bassett, Bell, Bence, Blake, Brown, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Dumont, Fite, Hall, Herod, Hillis, Howk, Hussey, Jackson of S., Johnston of K., Ketcham, Kingsbury, Leviston, Logan, McNary, Moyer, Noble, Pabody, Parks, Pennington, Polke, Read, Reitey,

Slaughter, Smith, Stewart, Wallace of F., and Wallace of J.
—38.

And so said amendment was not adopted.

Mr. Herod moved to amend said bill by adding the following as an additional section thereto:

"That the sum of two hundred dollars be and the same is hereby appropriated out of the fund aforesaid, to the improvement of the navigation of Flat Rock, from its junction with the east fork of White river, to Drake's mill, in Shelby county, to be expended by and under the direction of Samuel Patterson, of Bartholomew county."

Mr. Brown moved to amend the said amendment by striking out the words "Drake's mill, in Shelby," and inserting in lieu thereof, the words "Smeltser's mill, in Rush:"

Which motion was carried in the affirmative.

The question recurring on Mr. Herod's amendment, as amended, the same was decided in the negative.

Mr. Read moved to amend said bill by adding thereto the following, as an additional section:

"That the sum of two hundred dollars be appropriated out of the three per cent. fund, for the improvement of Indian creek, from the Martin county line to its mouth; to be appropriated under the care and superintendence of William Eaton, of Martin county:"

Which motion was decided in the negative.

Mr. Smith moved to amend said bill by adding thereto the following, as an additional section:

"That the sum of two hundred and fifty dollars be and is hereby appropriated out of the three per cent. fund, for the improvement of the navigation of Laughery creek, and that Michael Fall, of Ripley county, be the commissioner, whose duty it shall be to apply such appropriation to the improvement of said creek, as is provided for by this act."

Mr. Wallace of J., moved to amend said amendment, by striking out the words "two hundred and fifty," and inserting in lieu thereof, the words "five hundred:"

Which motion was carried in the affirmative.

The question recurring on Mr. Smith's amendment as amended, the same was decided in the negative.

Mr. Morrison moved to amend said bill, by adding thereto the following, as an additional section:

"That the sum of two hundred dollars be and the same is hereby appropriated out of the three per cent. fund, to remove obstructions in Silver creek, in Clark county, from its mouth to Joseph Carr's mill; and that John Williams be appointed commissioner, to superintend the same under the provisions of this act:"

Which motion was decided in the negative.

Mr. Jackson of S., moved to amend said bill, by adding thereto the following, as an additional section:

"That the sum of two hundred dollars out of the said three per cent. fund, be and the same is hereby appropriated to improve the navigation of the east fork of the river Muskackituck, from the mouth of the north or Vernon fork of said east fork, to the mouth of Graham's fork, on said stream; and that William Harod, of Scott county be and he is hereby appointed commissioner, to superintend the same:"

Which motion was decided in the negative.

Mr. Levenworth moved to amend said bill by adding thereto, the following as an additional section:

"That the sum of one hundred and fifty dollars be appropriated towards constructing a bridge across Whiskey run, in Crawford county, where the Salem road crosses said creek; and that James Spencer of said county, be authorised to draw the money, and superintend the building of said bridge."

Mr. Hillis moved to amend said amendment, by striking out the words, "hundred and fifty," and inserting in lieu thereof "thousand:"

Which motion was carried in the affirmative.

The question recurring on the said amendment as amended:

It was decided in the negative.

Mr. Bell moved to amend said bill, by adding thereto the following, as an additional section:

"That the sum of three hundred dollars of the three per cent fund, be appropriated to improving the navigation of Big Blue River, from Fredericksburgh, to the mouth thereof; and that Thomas Davis, seignor, of Harrison county, be appointed commissioner to superintend the same, who shall be governed in all respects by the provisions of this act."

Which motion was decided in the negative.

Mr. Rariden moved to amend said bill, by adding at the end of the last section thereof, the following proviso:

"*Provided*, That nothing in this act contained, shall be so construed as to authorize the agent of the said three per cent. fund, to pay the several sums herein appropriated, until all sums heretofore appropriated, shall have been paid out of the said fund:"

Which motion was decided in the negative.

The question recurring on passing said bill to a third reading:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hamilton, Hendricks, Herod, Hillis, Jack, Jackson of D., Jackson of S., Johnston of T., Ketcham, Kingsbury, Kinnard, Levenworth, Levistop, Logan, Long, McNary, Morrison, Moyer, Noble, Pabody,

Parks, Pennington, Polke, Pollock, Read, Slaughter, Stewart, Wallace of F. Wallace of J. and Smiley, *Speaker*—43.

And those who voted in the negative, are,

Messrs. Beard, Fite, Hoover, Howk, Hussey, Johnston of K., Jones, Little, Rariden, Reiley, and Smith.—11

And so said bill passed to a third reading to-morrow.

The last mentioned bill in said message was read the first time, and passed to a second reading to-morrow.

Mr. Brown, from the joint committee on enrolled bills, reported that they did on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to establish a state road from Middletown in Shelby county, via Moscow, in Rush county, to intersect the Brookville state road, at or near Erasmus Aldridge's; and

An act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

A message was received from the senate by Mr. Test, their assistant secretary, announcing—

That the senate has passed an engrossed bill from the house of representatives, entitled

An act for the relief of Claudius G. Brown, with two amendments, in which the concurrence of the house of representatives is requested.

The said amendments were then read and agreed to by the house.

Ordered, That the clerk inform the senate.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor, to inform the house of representatives, that he did, on this day, approve and sign the following bills, viz:

An act to establish a state road from George Kline's, in Franklin county, to the Lawrenceburgh state road, on the west side of Flat Rock, in Decatur county;

An act supplementary to an act, entitled an act for the opening a state road in the county of Allen;

An act to incorporate the Jefferson county seminary society;

And that he did, on the 9th inst. approve and sign,

A joint resolution relative to the three per cent. fund.

Mr. Conner, who obtained leave of absence, on Saturday last, from the services of the house until this day, appeared and took his seat.

On motion of Mr. Blake,

The several orders of the day which precede the engrossed joint resolution from the senate, to declare, establish, ratify and confirm, with one fundamental condition, the compact entered into between Wyllys Silliman, commissioner on the part of the state of Ohio, and Jeremiah Sullivan commissioner on the part of the state of Indiana, and the joint resolution of this house on the same subject, were for the present postponed, and

The house again resolved itself into a committee of the whole on the said joint resolution, and after some time spent therein, the speaker resumed the chair, and Mr. Bence reported the said joint resolution from the senate, without amendment; and the said joint resolution of the house with one amendment.

The said joint resolution from the senate was then ordered to lie on the table; and the amend-

ment made in committee of the whole, to the joint resolution of this house, was read and concurred in by the house.

Mr. Rariden then moved further to amend said joint resolution, by adding thereto the following proviso:

"Provided, however, That nothing herein contained, shall be deemed or taken as a pledge on the part of the state of Indiana, ever to appropriate more out of the state treasury, than a sum equal to the amount of monies derived from the sale of the lands donated by Congress, for the construction of said canal, for its completion.

Mr. Pennington moved to amend said amendment by striking out the whole thereof, from the words "shall be," and inserting in lieu thereof, the following words, "in any wise construed, so as to pledge the faith of the state, any further than the amount of the sales of the lands donated for the construction of said canal."

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Coffin, Conner, Finley, Fite, Hall, Hamilton, Herod, Hawk, Jack, Jackson of S., Jones, Kingsbury, Levenworth, Leviston, Little, Logan, Long, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Slaughter, and Smiley, Speaker—27.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Casey, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Gardner, Guion, Hendricks, Hillis, Hoover, Hussey, Jackson of D., Johnston of K., Johnston of T., Ketcham, Kinnard, McNary, Noble, Pollock, Rariden, Read, Reiley, Smith, Stewart, Wallace of F. and Wallace of J.,—34.

And so said motion was decided in the negative.

Mr. Kinnard then moved to lay said joint resolution and proposed amendment on the table;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Conner, Fite, Hamilton, Herod, Howk, Kingsbury, Kinnard, Levenworth, Leviston, Moyer, Pennington, and Polke.
—12.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hendricks, Hillis, Hoover, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Little, Long, Logan, McNary, Morrison, Noble, Pabody, Parks, Pollock, Rariden, Read, Reiley, Slaughter, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker—49.

And so said motion was decided in the negative.

The question recurring on Mr. Rariden's amendment;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bence, Coffin, Finley, Fite, Hall, Hamilton, Hoover, Howk, Jackson of S., Jones, Kingsbury, Kinnard, Levenworth, Little, Logan, Moyer, Pabody, Parks, Rariden, and Slaughter.
—20.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Blake, Boon, Brown, Casey, Conner, Crume, Davis of A., Davis, of S., Dixon, Dumont, Evans, Gardner, Guion, Hendricks, Herod, Hillis, Hussey, Jack, Jackson of D., Johnston of K., Johnston of T., Ketcham, Leviston, Long, McNary, Morrison, Noble, Pennington, Polke, Pollock, Read, Reiley, Smith, Stewart, Wallace of F., Wallace of J., and Smiley, Speaker.—41.

And so said amendment was not adopted.

Mr. Fite moved to amend said joint resolution by adding the following proviso:

“Provided, That the faith of the state shall not be pledged in any event to resort to loan or taxation for the completion of the canal.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Coffin, Conner, Finley, Fite, Hall, Hamilton, Herod, Hoover, Hawk, Jack, Jackson of S., Jones, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, Morrison. Moyer, Pabody, Parks, Pennington, Polke, Rariden, Slaughter and Smiley, Speaker--20.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake. Boon, Brown, Casey, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Gardner, Guion, Hendricks, Hillis, Hussey, Jackson of D., Johnston of K., Johnston of T., Ketcham, McNary, Noble, Pollock, Read, Reiley, Smith, Stewart, Wallace of F., and Wallace of J.--31.

And so said motion was decided in the negative.

On motion of Mr. Blake,

The said joint resolution, as amended, was considered as engrossed and read the third time.

And on the question being put, “shall said joint resolution pass?”

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Basset, Beard, Blake, Boon, Brown, Casey, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Gardner, Guion, Hendricks, Herod, Hillis, Hussey, Jack, Jackson of D., Johnson of K., Johnston of T., Ketcham, Kinnard, Long, McNary, Morrison, Noble, Pollock, Read, Reiley, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker--38.

And those who voted in the negative, are,

Messrs. Bell, Bence, Coffin, Finley, Fite, Hall, Hamilton, Hoover, Hawk, Jackson of S., Jones, Kingsbury, Levenworth, Leviston, Little, Logan, Moyer, Pabody, Parks, Pennington, Polke, Rariden, and Slaughter--22.

And so said joint resolution passed.

Ordered, That the clerk carry the same to the senate, and ask their concurrence therein.

And then the house adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, JANUARY 12, 1830.

The house met pursuant to adjournment.

Mr. Long presented a petition of Elias Hoddy and others, citizens of the county of Hamilton, praying an amendment to the road law:

Which was read, and committed to the same committee of the whole house, to which is committed a bill on the same subject.

Mr. Kinsbury presented a petition of William Doolin and others, citizens of Washington county, praying that the law declaring Twin creek, a public highway, may be repealed:

Which was read, and referred to a select committee of Messrs. Kingsbury, Logan, Little, Parks and Hamilton.

Mr. Kingsbury also presented a remonstrance of Elijah Driskell, against the prayer of the said petitioners:

Which was read and referred to the same select committee.

Mr. Conner presented a petition of Isaac K. Finch and others, of the county of Madison, praying that the leases made by the said Finch, as superintendent of the school section, in township 19, range 8 E. may be legalized:

Which was read and referred to the committee on the judiciary.

Mr. Ketcham presented a petition of James Mitchell, on the subject of the colored population of the United States:

Which was read, and

Ordered To lie on the table.

Mr. Reiley, from the committee of ways and means, to which was referred a resolution of the house, instructing them to enquire into the expediency of authorising by law, regularly licensed ferry-keepers, to retail spirituous liquors under the same license, reported,

That the same is inexpedient.

Which report was read, and concurred in by the house.

Mr. Bassett, from the committee on education, to which was referred a resolution of the house, directing them to enquire into the expediency of admitting all poor orphans to become students in the Indiana college, free of tuition fee; and also all poor persons under the age of twenty-one years, that may be adjudged, by the board doing business, to be destitute of the means of acquiring an education, reported,

That they have had the same under consideration, and are of opinion, however desirable it may be to have the youth of our country, universally, educated, that the funds of the college are wholly insufficient to carry the objects of the said resolution into effect; and that a regulation, as contemplated in the resolution, would not be of any beneficial purpose to the public, but must necessarily be partial in its operation; inasmuch as the tuition constitutes but a small item in the expense attendant upon a course of collegiate studies: the advantages of such a regulation would therefore only be serviceable to those who should reside in the immediate vicinity of the institution, where most of the incidental expense, other than the tuition, might be avoided. And that therefore any legislation on the subject would be inexpedient; and ask to be discharged from the further consideration of the subject:

Which was read, and

Ordered To lie on the table.

Mr. Kinnard made the following report, viz.

The standing committee on the affairs of the town of Indianapolis, to whom was referred a resolution, directing an enquiry into the expediency of preparing for the commencement of a state house in said town, respectfully report,

That they have taken that subject into their particular consideration, and have arrived at conclusions favorable to the object of the resolution. It is evident that the present necessity for more capacious apartments for the sessions of the legislature, will be greatly increased, in consequence of an increase of the number of members of this body. Some inconvenience also arises from the state and county authorities being mutual occupants of the court house. The erection of a state house appears to your committee, to be the only means of removing these and other difficulties, likely to grow out of the present state of things. The question, as to the time when this important work should be commenced, seems to admit of less diversity of opinion, than that as to the appropriate style and size of the building; which your committee believe ought to bear a near proportion to the means that will be at the disposal of the legislature. As these means must accrue from the public property at this place, they must equal the measure of its value, which is, in a great degree, within the control of the General Assembly. Much seems to depend upon the promptitude with which the Indianapolis fund may be appropriated to the purposes to which it stands pledged. Measures, having this desirable end in view, conceived with prudence, and conducted with energy and judgment, would have a tendency to stimulate the growth and insure the prosperity of the town. By such a disposition of the funds now on hand, we should evince the operation of senti-

ments of liberality and justice towards those who have purchased lots at high prices, under the confident expectation of the speedy completion of those improvements, which were projected when the seat of government was established, and which were held forth, as inducements for the investment of capital in the purchase of public property. The adoption of the policy here recommended, would also afford an earnest of a laudable spirit of improvement, which would be the means of expediting the sales of lots, and of enhancing the value of all descriptions of property, both private and public. As the results of such a policy would be mutually beneficial to the state and the town of Indianapolis, as well as to the adjacent country, we may expect a harmony of opinion, and a reciprocal good feeling among all parties concerned.

The committee are not able to estimate, with any great degree of exactness, the amount of future proceeds, as much depends upon the policy which may be pursued. The accounts of former sales, in connection with a knowledge of the inducements operating upon purchasers, form perhaps the best data, which can be obtained. Two hundred and seventy-four lots yet remain to be disposed of, including many among the most valuable, particularly those lying adjacent to the state house square, many of which have been sold, and were afterwards forfeited; a strong proof of the certainty of forfeitures, when improvements do not progress. According to the average price, at which the forfeited ones were first bid off, they would bring about \$37,000. But at least one half of that sum may be expected from this source. Seventy-four blocks and out-lots having been disposed of for the sum of \$6,713; eight yet remain the property of the state, and will probably bring the sum of about \$700. There will still remain about 1,700 acres of the donation, which may be considered among the

most valuable landed property in the state, from which we may expect to realize the average sum of \$15 per acre. The value of the public ferry cannot be properly estimated; but considering the sum for which it is now rented, the state may realize \$150 per annum, after the expiration of the present contract with Mr. Dunning, which will close in March next. The committee therefore present the following estimate of the funds now on hand, and of future proceeds:

Amount on hand,	\$ 3,307.00
Outstanding debts, which are to be paid within 1830,	4,500.00
“ Within 1831,	3,500.00
1700 acres of land at \$15 per acre,	25,500.00
Sale of lots,	18,000.00
“ blocks,	400.00
Rents and timber for 1830,	400.00
House at the ferry, if sold at the end of five years,	700.00
Proceeds of the ferry, if rented with the house for the term of five years, at \$150 per annum,	750.00
Total,	\$ 57,057.00

Thus, it appears, we may calculate upon ample means for completing a state house of such dimensions, and upon such plan, as will be suited to the character of the state, without resorting to taxation upon the people.

In a bill herewith submitted, the agent of state for the town of Indianapolis, is directed to procure plans and drafts of buildings of this kind, together with estimates of expense accordingly. Being a work of much importance, this cautionary step seemed to be proper, in order to avoid those errors,

which a want of prudence and foresight may commit. This course will have a tendency to give notoriety to the undertaking; and by drawing the attention of mechanics to the subject, will increase the number of bidders for the contract. The public spirit and intelligence of the agent, Mr. Sharpe, justify the fullest confidence that the task of fixing on a proper plan for the state house, will be discharged in an unexceptionable manner. It is also made his duty to give public notice of such plan, and to receive sealed proposals, accompanied with bond and security, for the performance of the work, which the committee are of opinion, should all be let out under one contract, in order to avoid collisions and disputes, which would be almost certain to arise among different and separate undertakers. Should a commencement even now be made, the committee are of opinion the state house cannot be prepared for the reception of the general assembly, short of three years. The foundation should be of stone, and should be laid before the next winter, that it might properly settle, against the next ensuing summer, when the walls should be erected and covered—great care being taken to have the timbers of the most durable quality, and properly seasoned, and to prevent the use of bad materials.

The waste committed upon the timber, and the necessity of providing the means of keeping the public improvements in a state of constant progress, in the opinion of the committee, require a sale of lots, and of lands. Another consideration is, that whenever those lands become private property, important improvements will be made in the immediate vicinity of the seat of government, and the forest by which it is now in part surrounded, will be placed in a high degree of cultivation.

In reference to a resolution instructing the committee to enquire into the expediency of renting out

for a definite period, the Governor's house, or of appropriating the same until otherwise disposed of, to the use and occupation of the officers of state, the committee report, that they believe it is inexpedient to dispose of the building in that manner.

On the subject of a resolution directing the committee to enquire into the expediency of providing means for furnishing the Governor's house, they report: That if the legislature is resolved upon the policy of providing and furnishing a house for the residence of the executive of state, there is every reason in favor of making an appropriation, for that purpose, at the present time. The committee are also of opinion that a suitable enclosure should be erected, around the building; considering that matter as connected with the subject of the resolution, they have provided for it, in the bill herewith reported. Should it not be the determination of the legislature to prepare it for the residence of the Governor, your committee would then suggest the expediency of disposing of it for seminary purposes, to the county of Marion, if the same be practicable.

All of which is respectfully submitted.

Mr. Kinnard also, from the same committee, reported a bill to provide for the erection of a state house in the town of Indianapolis, and for other purposes;

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for to-morrow.

Ordered, That one hundred copies of said report and bill, be printed for the use of the members of this house and senate.

Mr. Hoover, from the select committee to which were referred sundry petitions of the citizens of Wayne county, on the subject of a turnpike road from Richmond, in said county, to Rossville and

Hamilton, in Butler county, Ohio; reported, a bill in pursuance of the prayer of said petitioners:

Which was read the first and second times, the rules of the house having first been dispensed with, when

Mr. Rariden moved to amend said bill by adding thereto the following proviso:

“Provided, however, That the county authorities of the county of Wayne, for the use of said county or any company duly authorized for that purpose, shall be allowed and authorized to intersect said road, at any point within the said county, by another turnpike road commencing at the town of Centreville, in Wayne county:

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Fite, after having obtained leave presented a bill to incorporate the town of Jeffersonville in the county of Clark:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house, for to-morrow.

Mr. Logan, after having obtained leave, presented a bill for the formation of the county of Highland, which was read the first time, when

Mr. Hamilton moved to reject the same;

Which motion was decided in the negative.

The said bill then passed to a second reading to-morrow.

On motion of Mr. Slaughter,

The bill for the relief of Walter Pennington and for other purposes, was taken up and recommitted to a select committee, of Messrs. Slaughter, Bell and Herod.

On motion of Mr. Little,

The several orders of the day, which precede the

engrossed bill from the senate, entitled an act requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof:

Were for the present postponed; and the committee of the whole house, to which said bill had been committed, was discharged from the further consideration thereof.

The said bill then passed to a third reading to-morrow.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house then proceeded to consider the orders of the day.

The bill for the relocation of the county seat of Sullivan county, was read the second time, and ordered to lie on the table.

The bill to locate a state road from Troy, in Perry county, to Washington in Daviess county.

The bill to amend the act, regulating the practice in suits at law.

The joint resolution on the subject of the deaf and dumb, within this state: and

The bill to incorporate the Franklin county seminary society, were severally read the second time, and

Ordered, To be engrossed and read a third time to-morrow.

The engrossed memorial from the senate, to the Congress of the United States on the subject of certain saline reserves: and

The engrossed bill from the senate, entitled an act, for the relief of James Ball;

Were severally read the second time and passed to a third reading to-morrow.

The bill to establish a state road from Evansville, to Anthony's ferry, and for other purposes, was read the second time and committed to a committee of the whole house for to-morrow.

The engrossed bill for the relief of Samuel Postlewait, of Daviess county:

The engrossed bill to provide for changing a part of the state road, from Mauk's ferry, to Indianapolis:

The engrossed bill for the appropriation of money to aid in building a bridge over Plumb creek:

The engrossed bill to legalize and establish the original survey of the town of Lafayette, in the county of Tippecanoe; and

The engrossed bill for the relief of the citizens of Daviess county, were severally read the third time and passed.

Ordered, That said bills be entitled, Acts, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed memorial relative to a grant of land to improve the Mail route, from New Albany to Evansville, was read the third time and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to relocate part of the state road from Shelbyville to Andersontown, was read the third time, and recommitted to the same select committee, who reported it:

And the remonstrance of Ira Bailey, and others, citizens of Shelby county, against the said relocation, was taken up and referred to the same select committee.

Engrossed bills from the senate, of the following titles, to wit:

An act to incorporate the Greencastle seminary society: and

An act concerning clerk's offices:

Were severally read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled an act to improve the navigation of Lost river, White Water river and other streams therein named, was read the third time; and

The question being put, shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bence, Blake, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hamilton, Hendricks, Hillis, Jackson of D., Jackson of S., Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Logan, Long, McNary, Moyer, Noble, Pabody, Parks, Pennington, Polke, Pollock, Read, Slaughter, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, *Speaker*—46.

And those who voted in the negative, are,

Messrs. Beard, Bell, Fite, Herod, Hoover, Hawk, Hussey, Jack, Johnston of K., Jones, Little, Morrison, and Reiley,—13.

And so said bill passed.

Ordered, That the clerk inform the senate thereof.

The committee of the whole house, to which was committed the bill establishing a state road from Indianapolis to some convenient point on the Ohio river, commonly called the Michigan road, was discharged from the further consideration of said bill; and the further consideration of the same was indefinitely postponed.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate insisted upon their proposed amendment to the engrossed joint resolution from the house of representatives, entitled "A joint resolution relative to the Illinois grant;"

The senate has passed an engrossed bill from the

house of representatives, entitled "An act to relocate part of the state road leading from Madison to Lawrenceburgh," with an amendment, in which the concurrence of the house is requested;

They also have passed an engrossed bill, originating in the senate, entitled "An act providing for the preservation of the public buildings at Indianapolis, from fire;

In which they also request the concurrence of the house of representatives.

Mr. Hawk moved that the house adhere to their disagreement to the amendment proposed by the senate, to the joint resolution of this house, relative to the Illinois grant:

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

Mr. Smith moved that the house concur in the amendment proposed by the senate to the engrossed bill of this house, changing a part of the state road from Madison to Lawrenceburgh:

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

The last mentioned bill in the above message, was read the first time, and passed to a second reading to-morrow.

The house resolved itself into a committee of the whole, on the bill amendatory of the several acts regulating the jurisdiction and duties of justices of the peace;

And after some time spent therein, the speaker resumed the chair, and

Mr. Levenworth reported progress, and asked leave to sit again:

Which leave was granted by the house.

And then the house adjourned, until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, JANUARY 13, 1830.

The house met pursuant to adjournment.

Mr. Long presented a petition of Allen Makepeace and others, citizens of the counties of Madison and Delaware, praying that the east line of Madison county may be extended one mile further east:

Which was read and referred to a select committee of Messrs. Long, Conner and Jackson of D.

Mr. Boon presented a petition of Thomas McClenehen and others, citizens of Sullivan county, praying the relocation of the seat of justice of said county;

And also the remonstrance of Abner Hunt and others, citizens of said county, against the said relocation;

Which were read and referred to the same select committee, by which a bill on that subject had been reported; and,

On motion of Mr. Boon,

The said bill and accompanying petitions were taken up, and recommitted to the same select committee.

Mr. Stewart presented a petition of Thomas Withers and others, citizens of Pike county;

And also a petition of John McIntire and others of said county, praying that the board of justices, in said county, may be authorised to levy an additional tax, for the purpose of erecting the public buildings, in said county:

Which was read, and referred to a select committee of Messrs. Stewart, Hall and Casey.

Mr. Hendricks presented a petition of Wesley White, Senr., of Decatur county, praying that a deed made by said petitioner, when in a state of partial mental derangement, and without any valu-

able consideration, to his son, John F. White, may be disannulled, and for certain other relief;

Which was read and referred to the committee on the judiciary.

Mr. Stewart presented a petition of Abraham Turtelott and others, citizens of Pike county, praying that a certain state road therein named, may be changed:

Which was read and referred to the committee on roads.

Mr. Morrison, from the committee for enrolled bills, reported,

That they have compared the enrolled with the engrossed bill, entitled,

An act for the relief of Claudius G. Brown;

Also,

A memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands within the state of Indiana;

And find the same truly enrolled,

When the speaker signed said bill and memorial.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Pennington, from the committee on roads, to which was referred the petition of Henry Cooper and others, praying that congress be memorialized to grant a portion of public land for the construction of a turnpike road from Fort Wayne to Detroit, reported,

That the said committee deem it inadvisable to comply with the prayer of said petitioners:

Which was read and concurred in by the house.

Mr. Pennington, also, from the same committee to which was referred the petition of Benjamin Jones, of Sullivan county, reported a bill for his relief:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Jackson of D., from the select committee to which was referred the petition of William Hardwick and others, citizens of Delaware county, praying a change in the mode of doing county business in said county, reported a bill in pursuance of the prayers of the petitioners;

Which was read the first time and passed to a second reading to-morrow.

Mr. Wallace of J., from the select committee to which was referred the petition of George W. Leonard, and others, citizens of the town of Madison, praying that the bounds of the incorporation of said town may be extended, reported a bill in pursuance of the prayer of the petitioners:

Which was read the first and second times, the rules of the house having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Slaughter, from the select committee to which was recommitted the bill for the relief of Walter Pennington, and for other purposes, reported the same with one amendment:

Which was read and concurred in by the house.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the senate and ask their concurrence therein.

Mr. Long, from the select committee to which was recommitted a bill to relocate a part of the state road from Shelbyville to Andersontown; and to which was referred the remonstrance of Ira Bailey, and others, against the said relocation, reported said bill without amendment: when

Mr. Davis of S., moved to postpone the further consideration of said bill indefinitely:

Which motion was carried in the affirmative.

Mr. Ketcham, after having obtained leave, presented a bill for the relief of purchasers of lands in

the seminary townships in Gibson and Monroe counties, and for other purposes:

Which was read the first time and passed to a second reading to-morrow.

Mr. Hall, after having obtained leave, presented a bill to legalize the proceedings of the probate court in the county of Pike, and for other purposes;

Which was read the first time and passed to a second reading to-morrow.

Mr. Brown, after having obtained leave, presented a bill for the improvement of the state road from Shelbyville in Shelby county to Andersonville, in Franklin county:

Which was read the first time and passed to a second reading to-morrow.

The speaker laid before the house the following communication from the governor:

EXECUTIVE DEPARTMENT,
Indiana, Indianapolis, Jan. 12, 1830. }

Ross Smiley, Speaker of the House of Representatives,

SIR: I hereby enclose a letter from Benjamin Park, one of the visitors of the Indiana College, tendering his resignation.

I am respectfully your obt. serv't.

J. BROWN RAY.

Which, together with the accompanying document, was read and referred to the committee on education.

Mr. Stewart, after having obtained leave, presented a bill for the relief of Abrahan Turtelott.

(This bill proposed to divorce the said Turtelott from his wife.)

Which was read the first time, when

Mr. Brown moved to reject said bill:

Which motion was carried in the affirmative.

On motion of Mr. Rariden,

The several orders of the day which precede the bill dividing the state into judicial circuits, were for the present postponed.

The house then resolved itself into a committee of the whole, on said bill, and after some time spent therein, the speaker resumed the chair, and Mr. Crume reported the same with one amendment:

Which was read and concurred in by the house.

Mr. Blake then moved further to amend said bill by striking "Monroe county," from the seventh circuit, and attaching it to the fifth circuit:

Which motion was decided in the negative.

Mr. Hillis moved to lay said bill on the table:

Which motion was also decided in the negative.

Mr. Johnston of K., then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bence, Fite, Guion, Hall, Hamilton, Hendricks, Hillis, Johnston of K., Ketcham, Kinnard, Logan, Noble, Pabody, Parks, Read, Stewart and Wallace of F.—17.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Blake, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Herod, Hoover, Hawk, Hussey, Jack, Jackson of D., Jackson of S., Johnston of T., Jones, Kingsbury, Levenworth, Leviston, Little, Long, McNary, Morrison, Moyer, Pennington, Polke, Pollock, Rariden, Reiley, Slaughter, Smith, Wallace of J. and Smiley, Speaker—44.

And so said motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The house then proceeded to consider the orders of the day.

The engrossed bill from the senate, entitled an act providing for the preservation of the public

buildings at Indianapolis, from fire, was read the second time; when

Mr. Wallace of J., moved to recommit said bill to a select committee with instructions to strike out said bill from the enacting clause, and insert a bill providing for the insurance of the public buildings.

Which motion was decided in the negative.

The said bill then passed to a third reading to-morrow.

The bill for the formation of the county of Highland; was read the second time, when

Mr. Hamilton moved to postpone the further consideration thereof indefinitely;

Which motion was decided in the negative.

Mr. Brown then moved to lay said bill on the table:

Which motion was carried in the affirmative.

Engrossed bills and a memorial from the senate, of the following titles, viz:

A memorial to the Congress of the United States, on the subject of certain saline reserves.

An act for the relief of James Ball: and

An act requiring the commissioners of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum prices thereof, were severally read the third time and passed.

Ordered That the clerk inform the senate thereof.

Engrossed bills and joint resolution of the house, of the following titles, viz:

A bill to incorporate the Franklin county seminary society.

A bill to locate a state road from Troy, in Perry county, to Washington in Daviess county:

A joint resolution relative to the deaf and dumb in this state:

A bill to incorporate the Hamilton, Rossville and Richmond turnpike company; and

A bill to amend the act regulating the practice in

suits at law ; were severally read the third time and passed.

Ordered That the said bills be entitled acts, and that the clerk carry the same, together with said joint resolution, to the senate and ask their concurrence therein.

And then the House adjourned until 2 o'clock P.M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The following message was received from the Governor, by Mr. Griffith, his private secretary :

MR. SPEAKER :

I am requested by the Governor, to inform the house of representatives, that he did on this day, approve and sign the following bill, viz :

An act to establish a state road from Middletown in Shelby county, via Moscow in Rush county, to intersect the Brookville state road, at or near Erasmus Aldridge's.

The house again resolved itself into a committee of the whole on the bill amendatory of the several acts regulating the jurisdiction and duties of justices of the peace ; and,

After some time spent therein, the speaker resumed the chair ; and

Mr. Long reported said bill with sundry amendments :

Which were read and concurred in by the house.

Mr. Dumont then moved further to amend said bill, by adding thereto the following as an additional section :

"If any male person, above the age of eighteen, and under the age of fifty years, that is in good health and not decrepit, shall neglect or refuse to obey the lawful commands of an officer requiring his aid to assist in keeping the peace, or to carry

the law into execution, shall be fined in any sum not exceeding fifty dollars, at the discretion of the jury."

Which motion was decided in the negative.

Mr. Levenworth moved further to amend said bill, by adding thereto the following, as an additional section:

"That in all cases wherein justices of the peace are authorised to issue execution or alias execution or executions, the same shall be in general terms, and authorise the proper officer to levy upon any property which can be found belonging to the execution defendant, and legally dispose of the same to satisfy the judgment."

Which motion was also decided in the negative.

Mr. Logan moved further to amend said bill in the third section thereof, by striking out the word "twelve," the number of jurors, and inserting in lieu thereof, the word "six:"

Which motion was also decided in the negative.

Mr. Rariden moved to amend said bill, by striking out the whole of the third section, which reads in the words following, viz:

SEC. 3. That in those cases where a trial shall be had before a justice of the peace, the said justice shall direct a constable to summon a jury of twelve good and lawful men for the trial of the cause; and if the jury shall find the defendant guilty, they shall proceed to assess a fine upon him or them, according to the nature and aggravation of the offence, which shall not be less than one, nor more than twenty dollars; and the said justice shall enter judgment upon such verdict, that the said party shall pay the fine assessed by the said jury, together with the costs of prosecution, and that he stand committed until the said fine and costs be paid or replevied according to law: Provided, however, that if the party, after having been imprisoned one day for every fifty cents of the fine so im-

posed, will take the oath required by the act concerning insolvent debtors, and will in all respects comply with the requisitions of the act aforesaid, he may be discharged from imprisonment as other insolvent debtors are; and in all cases where the party shall be discharged in the manner aforesaid, the costs of keeping such offender shall be paid by the county, as other county expenses, and the said county shall be considered a creditor of the said insolvent to the amount of the costs accruing, and so far as the same extends, shall be a privileged creditor, and be entitled to recover and receive the full amount thereof, before any other debt shall be paid; and if any person shall obtain his discharge under this proviso, by wilful false swearing, he shall be deemed guilty of perjury, and suffer accordingly.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Bence, Blake, Beon, Brown, Coffin, Crume, Evans, Finley, Fite, Gardner, Guion, Hall, Hoover, Jackson of D., Jackson of S., Johnston of K., Jones, Noble, Rariden, Reiley, Wallace of F. and Wallace of J.—23.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Bell, Casey, Conner, Davis of A., Davis of S., Dixon, Dumont, Hamilton, Hendricks, Hillis, Hussey, Jack, Johnston of T., Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Slaughter, Smith, Stewart, and Smiley, Speaker—35.

And so said motion was decided in the negative.

Mr. Morrison moved further to amend said bill, by adding thereto the following, as an additional section:

“That in all cases where any party may apply

for a continuance of a cause, it shall be lawful for the justice before whom such application may be made, to tax the costs of such continuance, to the party thus applying, at the discretion of said justice."

Which motion was carried in the affirmative.

Mr. Crume moved further to amend said bill, by striking out the whole of the first section; which reads in the words following, viz:

That if any person shall be guilty of an affray, or shall unlawfully assault or strike another, in the presence of a justice of the peace, or if a knowledge of any such affray or breach of the peace shall come to any justice of the peace during the continuance thereof, or before the parties shall have dispersed, and retired peaceably to their homes, it shall be the duty of the justice to call to his aid the sheriff or any constable of the county, where the said offence shall have been committed, or any other person or persons, taking with him the power of the county, if necessary, and to arrest the offender or offenders, without the aid or necessity of any written warrant or process; and the said justice may, upon his own knowledge, commit such offender or offenders for trial, in the manner hereinafter directed; or if he shall not be cognizant of the facts attending such breach of the peace, he shall enquire into the same by witnesses; and if from the examination, it shall appear to him, that any person or persons ought to be put upon trial, he shall commit or recognize him or them for trial accordingly, as aforesaid.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Coffin, Conner, Crume, Evans, Finley, Fite, Guion, Hall, Hillis, Hoover

Jackson of D., Jackson of S., Jones, Long, Morrison, Noble, Pollock, Rariden, Smith, Wallace of F., Wallace of J. and Smiley, Speaker—26.

And those who voted in the negative, are,

Messrs Beil, Bence, Boon, Brown, Casey, Davis of A., Davis of S, Dixon, Dumont, Gardner, Hamilton, Hendricks, Herod, Hussey, Jack, Johnston of K., Johnston of T., Ketcham, Kingbury, Kinnard, Levenworth, Leviston, Little, Logan, McNary, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter and Stewart—34.

And so said motion was decided in the negative.
The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

Mr. Brown from the joint committee for enrolled bills, reported,

That they did, on this day, present to the governor for his approval and signature, the following enrolled bill and memorial, entitled, as follows, viz:

An act for the relief of Claudius G. Brown;

A memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana.

A message was received from the senate, by Mr. Test their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, entitled 'acts,' as follows, to wit:

An act concerning the seminary site of Union county; and

An act to locate a state road therein named, and for other purposes.

The first without amendment, and the last with one amendment;

In which the concurrence of the house of representatives is requested.

They have also passed engrossed joint resolu-

tions, from the house of representatives, entitled, as follows, to wit:

A joint resolution relative to the establishment of a medical college; and

A joint resolution ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of congress, of the 24th of May, 1828;

Each joint resolution with amendments:

In which the concurrence of the house is requested.

They have also passed engrossed bills, and a joint resolution, originating in the senate, to wit:

An act to provide for the relocation of the seat of justice of Fountain county;

An act for the relief of Drury Holt and Vincent Cooper; and

A joint resolution of the general assembly of the state of Indiana, relative to the Indian tribes residing within the limits of said state;

In which acts and joint resolution last aforesaid, the senate also request the concurrence of the house of representatives.

The amendment proposed by the senate to the second named bill in said message, was read and concurred in by the house:

And the amendments proposed by the senate to the first named joint resolution in said message, were also read and concurred in by the house.

Ordered, That clerk inform the senate thereof.

The amendment proposed by the senate to the second named joint resolution in said message was read; when,

Mr. Pennington moved to lay the same, together with said joint resolution, on the table:

Which motion was decided in the negative.

The said amendment was then concurred in by the house.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, JANUARY 14, 1830.

The house met pursuant to adjournment.

On motion of Mr. Ketcham,

The bill for the formation of the county of Highland was taken up, and

Ordered To be engrossed, and read a third time to-morrow.

The house then resumed the consideration of the message from the senate, which was undisposed of when the house adjourned yesterday;

The bill originating in the senate, first named in said message; and

The joint resolution from the senate, named in said message:

Were severally read the first time, and passed to a second reading to-morrow.

The bill last named in said message was read the first and second times, the rules of the house having first been dispensed with, and passed to a third reading to-morrow.

Mr. Moyer presented a petition of Benjamin Blackwell and others, citizens of the county of Orange, praying that a law may be passed to prohibit the further migration of free people of color, into this state:

Which was read and referred to the same committee of the whole house, to which is committed a bill on that subject.

Mr. Ketcham presented a petition of William Roseberry, of Monroe county, praying that articles of impeachment may be preferred against Jacob

B. Lowe, clerk of the circuit court of said county, for certain alleged malfeasance in his said office:

Which was read and referred to the committee on the judiciary.

Mr. Brown from the committee of ways and means, to which was referred a resolution of the house on the subject of fixing a day certain, when real estate may be sold for taxes, reported,

That it would be inexpedient to legislate on that subject at this time:

Which report was read and concurred in by the house.

Mr. Kinnard, from the committee on the affairs of the town of Indianapolis, made the following report:

The committee on the affairs of the town of Indianapolis to whom were referred resolutions directing them "to investigate the books and accounts of the agency of state at Indianapolis, and to report a detailed account of the state fund, derived from the sale of lots and lands of the donation, together with an account current of the receipts and expenditures of said agency from its commencement," now report the following statements, from the books of said agency. As to the expenditures not included below, having been made in pursuance of many and various appropriations out of the treasury, the committee did not conceive that any information could be given on that subject in addition to that already afforded by the acts of the general assembly: A statement of such expenditures is therefore omitted. The committee think it advisable for the agent to insert on his book of receipts, the names of persons from whom money may be received, for timber and on account of trespass, as in the case of payment for lots; which would be more satisfactory than to state the aggregate amount received per annum. The course here advised is pursued by the present agent.

The different Agents of State for the Town of Indianapolis, in Account with the State of Indiana, from the commencement of the Agency in October, 1821, up to November 28, 1829:

JOHN CARR,

DR.

To amount received for lots from
October 8, 1821, to July 6,
1822,

\$ 8,655.46

For timber,

44.98

Total received,

8,700.39

CR.

By amount paid Treasury,

8,700.26

Balance,

13

JAMES MILROY,

DR.

To amount received from Sep-
tember, 1822, to January 28,
1823, for lots,

\$ 1,362.18

CR.

By amount paid Treasury,

1,167.40

" B. F. Morris,

200.00

1,367.401,362.18

Overpaid, and refunded,

5.22

B. F. MORRIS,

DR.

To amount received, from December, 1822, to December, 1824,

From former agent,	\$ 200.00
For lots,	5,137.65
As rents,	75.25
For timber,	17.87
	<hr/>
	5,430.77

CR.

By amount paid treasury \$4,974.25

Amount of order to treasurer, to be paid out of his salary,

456.52

 5,430.77

\$118.38 of the last mentioned sum is charged to B. F. Morris, as a balance against him, until the error (if any) can be corrected; which is altogether satisfactory.

B. I. BLYTHE,

DR.

To amount received from January, 1825, to 5th April, 1828;

For lots,	\$15,007.37
As rent,	377.39
For timber,	23.05
	<hr/>
	15,407.81

CR.

By amount paid treasury, \$11,329.18

By relinquishments, 2,611.94

For clerk's office, 429.00

Library money in his hands, 130.51

Appropriated for clearing out

Pogue's Rup, 50.00

By money paid Bradley,	2.00
By relinquishments in 1827,	355.21

15,407.84

3

B. SHARPE,

DR.

To amount received from
April 1828, to November
28, 1829,

For lots,	\$5,770.73
As rent,	235.11
For timber,	5.17

\$6,011.01

CR.

By amount paid treasury,	\$5,583.73
Certificates of forfeited lots,	282.47
Library money,	117.41
By one certificate in 1829,	27.40

6,011.01

Total amount paid into the treasury in-
cluding B. F. Morris' order,

\$32,692.82

Mr. Kingsbury, from the select committee to which was referred the petition of Jesse Hughs and others, citizens of Washington county, praying the repeal of a certain law relative to the navigation of Twin creek, reported a bill in pursuance of the prayer of the petitioners;

Which was read the first time, and passed to a second reading to-morrow.

The following message was received from the governor by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the governor, to inform the house of representatives, that he did, on this day, approve and sign the following bill, entitled,

An act for the relief of Claudius G. Brown.

Mr. Conner, from the select committee, to which was referred the petition of sundry citizens of Hancock, Rush and Henry counties, reported a bill for the improvement of the navigation of Blue river:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Stewart, from the select committee, to which was referred the petition of John McIntire and others, citizens of Pike county, reported, in pursuance of the prayer of said petitioners, a bill to authorise the board of Justices of said county, to levy an additional tax in said county:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Jones, after having obtained leave, presented a bill to improve a state road from Liberty, in Union county, by way of Abington and Centreville, to New Castle, in Henry county;

Which was read the first and second times, the rules of the house having first been dispensed with; and

Ordered, To be engrossed and read a third time to-morrow.

Mr. Herod asked leave to present a bill supplemental to an act entitled an act to locate a state road from Lake Michigan, by way of Indianapolis to some convenient point on the Ohio river, approved, January 12, 1820: 1830

Which said bill reads in the words following, viz:

Be it enacted by the general assembly of the state of Indiana, that so much of said road from Lake Michigan as lies between Indianapolis and Madison be, and the same is hereby relocated and established upon the present state road, passing thro' the towns of Franklin, Columbus and Vernon—The commissioners named in the act to which this is a supplement, shall deviate so far from the require-

ments of said act, as may be necessary to carry this act into full and complete effect.

The speaker decided the said bill to be out of order, inasmuch as it purports to change and vary in a material part an act of the present session of the general assembly.

From which decision, Mr. Herod, prayed an appeal to the house, and the said appeal being seconded by Mr. Bence, the question was put:

"Is the decision of the chair correct?"

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis, of S., Dixon, Dument, Fritley, Gardner, Guion, Hendricks, Hoover, Howk, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Ketcham, Kinnard, Leviston, Long, McNary, Morrison, Noble, Pollock, Rariden, Read, Smith, and Wallace of F.—35.

And those who voted in the negative, are,

Messrs. Bell, Bence, Casey, Coffin, Evans, Fite, Hall, Hamilton, Herod, Hillis, Hussey Jackson of S., Kingsbury, Levenworth, Little, Logan, Moyer, Pabody, Parks, Pennington, Polke, Reiley, Slaughter, Stewart and Wallace of J.—25.

And so it was decided that the decision of the chair was correct.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Herod, after having obtained leave, presented a bill making an appropriation for the improvement of the navigation of Flat Rock:

Which was read the first and second times, the

rules of the house having first been dispensed with; when

Mr. Armstrong moved to amend the same by adding thereto, the following, as an additional section.

That the sum of five hundred dollars be, and the same is hereby appropriated towards the building of a bridge across Tanner's creek, where the state road from Indianapolis to Lawrenceburgh, crosses the same, at or near the new town of Lawrenceburgh; and that Jesse Hunt, of the town of Lawrenceburgh be appointed a commissioner to apply the same to the object aforesaid, and no other, with power to apply to the agent of the three per cent. fund, for the above sum as other commissioners are by this act authorized to apply, for the same; *Provided* that said bridge shall be built high enough to admit Orlean flats to pass under it in high stages of water:

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Messrs. Read, Hendricks and Jack, asked and obtained leave of absence from the services of the house, during the remainder of this day, for the purpose of attending to the duties of the committee of ways and means, of which they are members.

Mr. Moyer, after having obtained leave, presented a bill authorizing the leasing of French Lick reserve, in Orange county;

Which was read the first and second times, the rules of the house having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Reiley, after having obtained leave, presented a bill declaratory of the rights of emigrants and travellers, passing through this state, to a sister state or territory with slaves;

Which was read the first time and passed to a second reading to morrow.

On motion of Mr. Jackson of Scott,

The bill altering the line dividing the counties of Scott and Jefferson, was taken up, considered as engrossed, read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Pennington,

The engrossed bill from the senate, entitled an act, appointing commissioners to relocate the seat of justice of Dubois county, was taken up, read the third time and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Johnston of K.,

The several orders of the day which precede the bill to incorporate the town of Jeffersonville in the county of Clark, were for the present postponed, and the committee of the whole house to which the same had been committed, was discharged from the further consideration thereof.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The house then proceeded to consider the orders of the day.

The bill for the improvement of the state road from Shelbyville in Shelby county, to Andersonville in Franklin county; was read the second time and ordered to be engrossed for a third reading to-morrow.

The bill for the relief of purchasers of land in the Seminary townships in Gibson and Monroe counties and for other purposes, was read the second time and committed to a committee of the whole house for to-morrow.

The bill to change the mode of doing county business in Delaware county.

The bill to legalize the proceedings of the probate court in the county of Pike, and for other purposes; and

The bill for the relief of Benjamin Jones:

Were severally read the second time and ordered to be engrossed and read a third time to-morrow.

Mr. Kinnard, by leave of the house, presented a petition of Jacob Sheets, and others, inhabitants of the unorganized territory, north of the counties of Marion and Hendricks, praying that the county to be formed out of said territory may be called Ray, and that they may be permitted to do their county business in said county, and that circuit courts may not be holden in said county.

Which was read and ordered to lie on the table.

The engrossed bill for the formation of a new county north of the counties of Marion and Hendricks, was read the third time; when

Mr. Kinnard moved to recommit said bill to the same select committee which reported it, with instructions to amend the same, in such manner, that it shall conform to the wishes of the people, as expressed in their petitions on this subject:

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Casey, Conner, Dumont, Gardner, Guion, Herod, Hoover, Hussey, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kinnard, Levenworth, Leviston, Logan, Long, McNary, Parks, Pollock, Stewart and Smiley, *Speaker*—25.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Bell, Bence, Blake, Boon, Brown, Coffin, Crume, Davis of A., Davis of S., Dixon, Evans, Finley, Fite, Hall, Hamilton, Hillis, Howk, Kingsbury, Little, Morrison, Moyer, Noble, Pennington, Polke, Rariden, Reiley, Slaughter, Smith, Wallace of F. and Wallace of J.—32.

And so said motion was decided in the negative.

The question recurring on the passage of said bill, is was carried in the affirmative.

Ordered, That the same be entitled an act, and that the clerk carry it to the senate, and ask their concurrence therein.

The engrossed bill from the senate entitled an act providing for the preservation of the public buildings at Indianapolis, from fire, was read the third time; and

The question being put, shall said bill pass? it was decided in the negative.

And so said bill was rejected.

The engrossed bill extending the incorporation of Madison; and

The engrossed bill dividing the state into judicial circuits, were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry them to the senate and ask their concurrence therein.

The engrossed bill amendatory of the several acts, regulating the jurisdiction and duties of justices of the peace, was read the third time; and

The question being put, shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Blake, Boon, Brown, Casey, Davis of A., Davis of S., Dixon, Dumont, Hamilton, Hillis, Hussey, Johnston of T., Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, McNary, Morrison, Pabody, Parks, Pennington, Polke, Reiley, Slaughter, Smith and Smiley, Speaker—31.

And those who voted in the negative, are,

Messrs. Armstrong, Basset, Beard, Bence, Coffin, Conner, Crume, Evans, Finley, Fite, Gardner, Guion, Hall, Hoover, Hawk, Jackson of D., Jackson of S., Johnson of K., Jones, Moyer, Pollock, Rariden, Stewart, Wallace of F. and Wallace of J.—25.

And so said bill passed.

Ordered, That the same be entitled an act, and

that the clerk carry it to the senate and ask their concurrence therein.

The house resolved itself into a committee of the whole on the bill to amend the act regulating estrays and water crafts, going adrift, and after some time spent therein the speaker resumed the chair; and

Mr. Casey reported said bill with one amendment:

Which was read and concurred in by the house.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 15, 1830.

The house met pursuant to adjournment.

Mr. Hendricks presented a petition of Andrew Davidson, of Decatur county, praying compensation for attending to a law suit, at the instance of Samuel Merrill, treasurer of state:

Which was read and referred to the committee on claims.

Mr. Hussey presented a petition of Christopher Hartman, and others, citizens of Hendricks county, praying the location of a state road from Mooresville, by way of Danville, to Crawfordsville, and for an appropriation of money on the same:

Which was read and ordered to lie on the table.

Mr. Read, from the committee of ways and means to which were referred that part of the Governor's message which relates to the finances; and the reports of the auditor and treasurer, reported a detailed statement of the situation of the treasury;

Which was read,

Ordered, That thirteen hundred copies of said report be printed for the use of the members of the general assembly.

Mr. Rariden, from the committee on the judiciary, to which was referred the petition of William Roseberry, exhibiting charges, and praying an investigation thereof, against Jacob B. Lowe, clerk of the Monroe circuit court, reported that they have examined said charges, and find them of a very grave character, and if true, ought to subject the party charged, to punishment and removal from office:

Therefore, that this house may proceed advisedly in the investigation of said charges, your committee recommend the adoption of the following resolution:

Resolved, That the judiciary committee to which was referred the charges against Jacob B. Lowe, clerk of the Monroe circuit court, have leave to send for such persons and papers as they may think necessary, in the investigation of said charges, and that they also have leave to employ some fit person to serve process, and carry messages, during such investigation:

Which report was read and concurred in by the house.

Mr. Guion, from the committee on claims, to which was referred the claim of Thomas Commons, and John Scott, for certain services, reported, that the said Commons should be allowed three dollars seventy-five cents, and that the said Scott should be allowed the sum of fourteen dollars.

They therefore, recommend the adoption of the following resolution:

Resolved, That the committee of ways and means be instructed to allow to said claimants the said sums above set forth, respectively, in the bill, making specific appropriations for the year 1830:

Which report was read and concurred in by the house.

Mr. Jackson of S., from the committee on claims, to which was referred the petition of Thomas C.

Stewart, praying an allowance of eight dollars, to be made him for taking the census of Pike county, for the year 1820, reported that they have had the same under their consideration, and are of opinion that his claim should be allowed.

They therefore offer for adoption the following resolution:

Resolved, That the committee of ways and means allow to Thomas C. Stewart, the sum of eight dollars in the bill making specific appropriations for the year 1830:

Which was read and concurred in by the house.

Mr. Beard, from the committee on roads, to which was referred the petition of George Miller and others, praying the location of a state road from Mooresville to Crawfordsville, reported a bill in pursuance of the prayer of the petitioners:

Which was read the first time and passed to a second reading to-morrow.

Mr. Davis of A., from the select committee, to which was referred the petition of Lathrop M. Taylor and others, citizens of St. Joseph's country, praying the formation of two new counties, reported a bill in pursuance of the prayer of the petitioners:

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered To lie on the table.

Mr. Boon, from the select committee, to which was recommitted the bill for the relocation of the seat of justice of Sullivan county, reported said bill with two amendments:

Which were read, and concurred in by the house.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow,

Mr. Jackson of D., from the select committee, to which was referred a resolution of the house rela-

tive to the Mississinewa river, reported a bill supplemental to an act declaring said river a public highway:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Morrison from the joint committee for enrolled bills, reported,

That they have compared the enrolled with the engrossed bills, entitled,

An act concerning clerk's offices;

An act for the relief of James Ball;

An act to improve the navigation of Lost river, White Water river and other streams therein named;

An act to incorporate the Greencastle seminary society;

An act requiring the commissioners of the reserved townships of land, in Gibson and Monroe counties, to reduce the minimum prices thereof;

An act to locate a state road therein named and for other purposes;

An act to relocate part of the state road leading from Madison to Lawrenceburgh;

An act concerning the seminary site of Union county;

Also—A joint resolution relative to the establishment of a medical college, and for other purposes;

A joint resolution ratifying the compact between the states of Ohio and Indiana, in pursuance of the act of Congress of the 24th of May, 1828;

Also—A memorial of the general assembly of the state of Indiana, to the congress of the United States, on the subject of certain saline reserves;

And find the same to be truly enrolled.

When, the speaker signed said bills, &c.

Ordered, That the clerk carry the same to the senate, for the signature of their president.

On motion of Mr. Fite,

Resolved, That the committee on the affairs of the state prison be instructed to enquire into the propriety of making provisions by law, for a distribution of the hire of the state prison, among the subscribers, for building said prison, in proportion to their respective stocks in the same, or for refunding to said subscribers the amount by them respectively advanced, and that said committee report thereon to this house.

On motion of Mr. Rariden,

Resolved, That the senate be requested to elect a sergeant-at-arms, to serve during the remainder of this session of the legislative body.

On motion of Mr. Hall,

Resolved, That the speaker be and he is hereby directed to issue subpœnas on the application of the judiciary committee, for witnesses to appear, testify, and the truth to say, of and concerning a certain accusation against Jacob B. Lowe, clerk of Monroe county: And that the speaker also issue on application of said committee, subpœnas, *duces tecum*, for such records and papers as said committee may deem necessary for the investigation of said charge.

Mr. Hall, after having obtained leave presented a bill appropriating money for erecting a bridge therein named:

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered To be engrossed, and read a third time to-morrow.

Mr. Ketcham, after having obtained leave, presented a bill for the better regulation of offices and officers:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to the committee on the judiciary.

Mr. Bence, after having obtained leave, present-

ad a bill for the better support of the poor of Floyd county:

Which was read the first and second times, the rules of the house having first been dispensed with; and

Ordered To be engrossed, and read a third time to-morrow.

Mr. Rariden asked and obtained leave of absence for the members of the judiciary committee during this day.

Mr. Armstrong, after having obtained leave, presented a bill for the appropriation of money, to aid in building a bridge over Tanner's creek:

Which was read the first and second times, the rules of the house having first been dispensed with; and

Ordered, To be engrossed, and read a third time to-morrow.

On motion of Mr. Evans,

The several orders of the day which precede the bill to establish a state road from Evansville to Anthony's ferry, were for the present postponed.

The house then resolved itself into committee of the whole, on said bill;

And after some time spent therein, the speaker resumed the chair, and

Mr. Coffin reported the same with sundry amendments;

Which were read and disagreed to by the house.
The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

The house then proceeded to consider the orders of the day:

The engrossed bill from the senate, entitled an act to provide for the relocation of the seat of justice of Fountain county;

The bill declaratory of the rights of emigrants

and travellers passing through this state to a sister state or territory with slaves; and

The engrossed joint resolution from the senate relative to the Indian tribes residing within the bounds of said state;

Were severally read the second time, and

Ordered To lie on the table.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment;

And resumed the consideration of the orders of the day:

The bill to authorise the board of justices of Pike county, to levy an additional tax in said county;

The bill relative to Twin creek: and

The bill to improve the navigation of Blue river;

Were severally read the second time, and

Ordered To be engrossed, and read a third time to-morrow.

Engrossed bills of the house, of the following titles, viz:

A bill authorising the leasing of French Lick reserve, in Orange county;

A bill for the improvement of the state road from Shelbyville, in Shelby county, to Andersonville, in Franklin county;

A bill making an appropriation for the improvement of Flat Rock;

A bill to change the mode of doing county business, in the county of Delaware and for other purposes;

A bill to amend the act regulating estrays and water crafts going adrift;

A bill for the relief of Benjamin Jones of Sullivan county; and

A bill to improve the state road from Liberty, in Union county, via Abington and Centreville, to Newcastle, in Henry county;

Were severally read the third time, and passed.

Ordered, That the same be entitled 'acts,' and that the clerk carry them to the senate, and ask their concurrence therein.

The engrossed bill to legalize the proceedings of the probate court of the county of Pike, and for other purposes, was read the third time, and

Ordered To lie on the table.

The engrossed bill from the senate, entitled an act for the relief of Drury Holt and Vincent Cooper, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Read,

The committee of the whole house was discharged from the further consideration of the memorial from the senate, on the subject of removing the obstructions to the navigation of the Wabash and White rivers, and their branches, and to improve the great western mail route, from Louisville Kentucky, through New Albany, Paoli, Mount Pleasant and Washington, to Vincennes.

The said memorial passed to a third reading tomorrow.

The house resolved itself into a committee of the whole, on the engrossed bill from the senate, entitled an act to extend a certain act therein named, to the county of Warren, and after some time spent therein, the speaker resumed the chair, and Mr. Conner reported said bill with sundry amendments:

Which were read and concurred in by the house.

The said amendments were then ordered to be engrossed and the said bill read a third time tomorrow.

A message was received from the senate by Mr. Test, their assistant secretary, announcing—

That the senate has passed engrossed bills of the house of representatives, entitled as follows, to wit:

An act to incorporate the Hamilton, Rossville and Richmond turnpike company, and

An act for the appropriation of money to aid in building a bridge over Plumb creek.

The first without amendment, and the latter with one amendment, in which the concurrence of the house of representatives is requested

The senate has elected Harvy Gregg, sergeant at arms, who is sworn into office, is now ready to act in pursuance to the request of the house of representatives.

The amendment proposed by the senate to the last mentioned bill in the above message was read and concurred in by the house.

Ordered. That the clerk inform the senate thereof.

The house resolved itself into committee of the whole on the engrossed bill from the senate entitled an act to authorize the collector of the revenue of Jackson county, for 1829, to sell lands for taxes due thereon, and for other purposes, and after some time spent therein, the speaker resumed the chair and Mr. Davis of A. reported said bill with one amendment:

Which was read and concurred in by the house.

The said amendment was then ordered to be engrossed and the said bill was read a third time tomorrow.

On motion of Mr. Read,

The committee of the whole was discharged from the further consideration of the engrossed bill from the senate to facilitate the opening of the Cumberland road, and to preserve the same from being obstructed or injured.

The said bill was then amended, read the third time and passed.

Ordered. That the clerk inform the senate thereof, and ask their concurrence in said amendment.

On motion of Mr. Little,

The committee of the whole was discharged from the further consideration of the engrossed bill from the senate, entitled an act, amendatory of an act, authorizing the leasing of Royce's Lick, and Rock Lick reserves, in the county of Washington, approved January 7, 1828, and

The said bill was ordered to lie on the table.

The house resolved itself into a committee of the whole, on the engrossed bill from the senate, entitled:

An act relative to official bonds of certain officers therein named, and after some time spent therein, the speaker resumed the chair, and Mr. Davis of S. reported the same with one amendment:

Which amendment was, by striking out said bill from its enacting clause:

Which was concurred in by the house; when

On on motion of Mr. Brown,

The further consideration of said bill was postponed indefinitely.

The house resolved itself into a committee of the whole, on the joint resolution respecting an amendment to the constitution of the United States, and after some time spent therein, the speaker resumed the chair, and Mr. Dixon, reported the same with sundry amendments:

Which were read and concurred in by the house.

The said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole, on the bill supplemental to an act to prevent trespassing by cutting of timber, approved, January 21, 1818;

And after some time spent therein, the speaker resumed the chair; and

Mr. Dumont reported the same with sundry amendments:

Which were read and concurred in by the house, except one, which was disagreed to; when

On motion of Mr. Pennington,

The further consideration of said bill was postponed indefinitely.

And then the house adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, JANUARY 16, 1830.

The house met pursuant to adjournment.

Mr. Hillis, from the committee on elections, to which was referred a resolution of the house directing them to enquire into the expediency of so amending the law now in force, as to require constables to be elected by the qualified voters in each township, reported a bill in pursuance of said resolution:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for Monday next.

Mr. Wallace of J., from the committee of ways and means, to which were referred two several resolutions of the house, instructing them to compile, revise, amend and reduce into one, all laws now in force in this state, on the subject of assessing and collecting the revenue, so that the same might be printed with the acts of the present general assembly, reported a bill in pursuance of said resolution:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for Monday next.

Mr. Kingsbury, from the judiciary committee, to whom was referred a resolution of this house, directing them to examine the compact of Virginia

with Kentucky, concerning the erection of the district of Kentucky into an independent state, and extract therefrom so much as relates to the concurrent jurisdiction of the states bordering upon the Ohio river, reported a joint resolution, in pursuance of said resolution:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Pennington, from the committee on roads, to which was referred the petition of Abraham Turtelott and others, citizens of Pike county, reported a bill to vacate a part of a certain state road therein named, and for other purposes:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Crume, from the select committee to which was referred the petition of William Port and others, praying that said Port be allowed to change lot, No. 40, in the town of Waterloo, for lot, No. 43, in said town, reported,

That a majority of said committee are of opinion that it would be inexpedient to legislate on that subject, at this time:

Which report was read, and

Ordered To lie on the table.

Mr. Bell, after having obtained leave, presented a bill making an appropriation to aid in building a bridge over Big Blue river:

Which was read the first time, and passed to a second reading on Monday next.

Mr. Herod, after having obtained leave, presented a bill making an appropriation for the improvement of the state road from Indianapolis to Madison:

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered To be engrossed, and read a third time on Monday next.

On motion of Mr. Pabody,

The engrossed bill from the senate, entitled an act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, was taken up and amended; and,

On motion of Mr. Hillis,

The said bill was again

Ordered To lie on the table, until the afternoon of to-day.

Mr. Smith, after having obtained leave, presented a bill for the improvement of the road from Versailles, in Ripley county, to Brookville, in Franklin county:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for Monday next.

Mr. Wallace of J., after having obtained leave, presented a bill, making a certain appropriation therein named:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for Monday next.

Mr. Dumont, after having obtained leave, presented a bill to improve the state road from Cynthiana, in Switzerland county, to the mouth of the Kentucky river:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for Monday next.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate concur in the amendment proposed by the house of representatives, to the engrossed bill from the senate, entitled 'an act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured.'

Mr. Kinnard, after having obtained leave, presented a bill to improve the Crawfordsville state road:

Which was read the first time, and passed to a second reading on Monday next.

The Speaker laid before the house the following communication;

SECRETARY'S OFFICE, }
JAN. 12, 1830. }

HON. ROSS SMILEY,

Speaker of the House of Representatives:

SIR:

I take the liberty to inform the house of representatives, through you, that Governor Ray has this day deposited in this office, a map of the surveyed part of the territory of Michigan; one, of the states of Missouri and Illinois, and territory of Arkansas; and a very splendid one of the state of Virginia.

Very respectfully,
Your ob't serv't;
JAMES MORRISON.

Mr. Noble, after having obtained leave, presented a bill to appropriate a part of the three per cent. fund to aid in building a bridge across the east fork of White Water, at Brookville:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for Monday next.

On motion of Mr. Logan,

The engrossed bill from the senate, entitled 'an act amendatory of an act authorising the leasing of Royce's lick and Rock lick reserves, in Washington county;' approved, January 7, 1828, was taken up, and committed to a committee of the whole house for this day.

The house then resolved itself into a committee of the whole, on the said bill; and after some time spent therein,

The speaker resumed the chair; and

Mr. Finley reported the same, with one amendment:

Which was read and concurred in by the house.

The said amendment was then considered as engrossed; the bill read the third time, and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

On motion of Mr. Ketcham,

The several orders of the day which precede the bill authorising the leasing of Jackson's lick, in the county of Monroe, were, for the present, postponed; and,

The house resolved itself into a committee of the whole, on said bill; and after some time spent therein,

The speaker resumed the chair, and

Mr. Fite reported the same, with sundry amendments:

Which were read and concurred in by the house.

The said bill was then

Ordered To be engrossed, and read a third time on Monday next.

On motion of Mr. Wallace of J.,

The several orders of the day which precede the bill providing for the state printing, and for other purposes;

And an engrossed bill from the senate on the same subject:

Were for the present postponed.

The house then resolved itself into a committee of the whole on the said bills; and, after some time spent therein,

The speaker resumed the chair; and

Mr. Gardner reported the said engrossed bill from the senate, with one amendment; which was, by

striking it out from the enacting clause, and inserting in lieu thereof, the bill originating in this house.

Which said amendment was concurred in by the house.

The said amendment was then

Ordered To be engrossed, and the bill read a third time on Monday next.

Ordered; That the bill which originated in this house, do lie on the table.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

A message was received from the senate, by Mr. Test their assistant secretary, announcing,

That the senate has passed the following engrossed bills, memorial and joint resolution, from the house of representatives, without amendment, to wit:

An act for the relief of Samuel Postlewait, of Dubois county;

An act to provide for changing a part of the state road leading from Mauk's ferry to Indianapolis;

An act altering the line dividing the counties of Jefferson and Scott;

An act extending the corporation of Madison;

An act to incorporate the Franklin county seminary;

A memorial of the general assembly of the state of Indiana, relative to a grant of land, for the purpose of improving the mail route, from New Albany to Evansville;

A joint resolution relative to deaf and dumb persons in this state.

The senate has also passed an engrossed bill, ori-

ginating in the senate, entitled **An act in relation to the action of trespass;**

In which the concurrence of the house of representatives is requested.

The engrossed bill from the senate, relative to the action of trespass, was read the first and second times, the rules of the house having first been dispensed with, and passed to a third reading on Monday next.

The house then proceeded to consider the orders of the day:

The bill supplemental to an act declaring Mississinewa river a public highway, was read the second time, and

Ordered To be engrossed, and read a third time on Monday next.

The bill to locate and open a state road, from Mooresville, in Morgan county, to Crawfordsville, in Montgomery county, was read the second time, and committed to a committee of the whole house for Monday next.

The engrossed joint resolution from the senate, on the subject of removing the obstructions to the navigation of the Wabash and the White rivers, and their branches; and of improving the great western mail route, from Louisville, by way of New Albany, Paoli, Mount Pleasant and Washington, to Vincennes, was read the third time, amended by consent, and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

The engrossed bill for the better support of the poor of Floyd county:

The engrossed bill providing for the location of the seat of justice of Sullivan county;

The engrossed bill to authorize the board of justices of Pike county, to levy an additional tax in said county:

The engrossed bill relative to Twin creek, and

The engrossed bill establishing a state road from: Evansville to Anthony's ferry:

Were severally read the third time and passed.

Ordered, That the said bills be entitled acts and that the clerk carry them to the senate, and ask their concurrence therein.

The engrossed bill for the improvement of the navigation of Blue River, was read the third time, and the question being put;

Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Basset, Bell, Brown, Conner, Crume, Davis of A, Dixon, Dumont, Evans, Gardner, Guion, Hendricks, Herod, Jackson of D., Kinnard, Levenworth, Long, Noble, Pollock, Wallace of F. and Wallace of J.—22.

And those who voted in the negative, are, ~

Messrs. Beard, Bence, Blake, Boon, Casey, Coffin, Finley, Fite, Hamilton, Hillis, Hoover, Hussey, Jack, Jackson of S., Johnson of K., Johnston of T., Jones, Ketcham, Kingsbury, Leviston, Little, Logan, McNary, Morrison, Moyer, Pabody, Pennington, Polke, Rariden, Read, Reiley, Slaughter, Smith, Stewart and Smiley, Speaker—35.

And so said bill was rejected.

The engrossed bill from the senate entitled an act, to extend a certain act therein named, to the county of Warren: and

The engrossed bill from the senate entitled an act to authorize the collector of the revenue of Jackson county, for 1829 to sell certain lands for taxes due thereon, and for other purposes, were severally read the third time and passed, with amendments.

Ordered, That the clerk inform the senate thereof and ask their concurrence in said amendments.

The engrossed bill appropriating money to aid in building a bridge over Tanner's creek, in the county of Dearborn, was read the third time, when the question was put:

Shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Conner, Crume, Davis of A., Dumont, Evans, Guion, Hendricks, Hillis, Jack, Kinnard, Leviston, Long, Morrison, Noble, Pennington, Pollock, Read, Reiley, Smith, Wallace of F., Wallace of J. and Smiley, Jpeaker—24.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Dixon, Finley, Fite, Hamilton, Hoover, Hussey, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kingsbury, Levenworth, Little, Logan, McNary, Moyer, Pabody, Polke, Rariden, Slaughter, and Stewart—31.

And so said bill was rejected.

The engrossed joint resolution respecting an amendment to the constitution of the United States, was read the third time; when

Mr. Dumont moved to lay it on the table:

Which motion was decided in the negative.

The question recurring on the passage of said joint resolution;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Bence, Blake, Brown, Casey, Coffin, Crume, Davis of A., Dumont, Evans, Finley, Fite, Gardner, Guion, Hamilton, Hendricks, Herod, Hillis, Hoover, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, Morrison, Moyer, Pabody, Pennington, Pollock, Rariden, Read, Reiley, Slaughter, Smith, Wallace of F., Wallace of J. and Smiley, Speaker—48.

And those who voted in the negative, are,

Messrs. Boon, Conner, Dixon, Hall, Hussey, Noble, and Polke.—7.

And so said joint resolution passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill appropriating money for erecting a bridge therein named, was read the third time, and the question being put:

Shall said bill pas?

It was decided in the negative.

And so said bill was rejected.

The house then resolved itself into a committee of the whole on the bill levying an additional tax on sales at auction, and after some time spent therein, the speaker resumed the chair, and Mr. Guion reported the same with sundry amendments:

Which were read, and all concurred in except one.

On motion of Mr. Wallace of J.,

The said bill was then ordered to lie on the table.

Mr. Morrison, from the committee on enrolled bills, reported—

That they have compared the enrolled with the engrossed bills, entitled:

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured.

An act appointing commissioners to relocate the seat of justice of Dubois county.

An act for the relief of Drury Holt and Vincent Cooper;

And find the same truly enrolled.

When the speaker signed said bills.

Ordered, That the clerk carry them to the senate, for the signature of their president.

Mr. Brown, from the joint committee on enrolled bills, now report, that they did on this day present to the governor, for his approval and signature the following enrolled bills, joint memorials and joint resolutions, to wit:

An act to locate a state road therein named, and for other purposes;

An act for the relief of Jame Ball;

An act to improve the navigation of Lost river, White Water river, and other streams therein named;

An act requiring the commissioner of the reserved townships of land in Gibson and Monroe counties, to reduce the minimum price thereof;

An act concerning clerks' offices;

An act to incorporate the Greencastle seminary society;

An act to relocate part of the state road leading from Madison to Lawrenceburgh;

A joint resolution relative to the establishment of a medical college, and for other purposes;

A joint resolution ratifying the compacts between the states of Ohio and Indiana, in pursuance to an act of Congress, of the 24th, of May, 1828; and

A joint memorial of the general assembly of the state of Indiana, to the Congress of the United States, on the subject of certain saline reserves.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, JANUARY 18, 1830.

The house met pursuant to adjournment.

Mr. Brown presented a communication from George Smith, on the subject of the public printing, which was read and ordered to lie on the table.

Mr. Jackson of S., presented a petition of John H. Scott, and others, citizens of the county of Scott, praying that the mode of doing county business, may be changed in said county:

Which was read and referred to a select committee of Messrs. Jackson of S.; Hillis and Fite!

Mr. Johnston of T., presented a remonstrance of

Josiah Gentry, and other citizens of the county of Fountain, against the removal of the seat of justice in said county:

Which was read and ordered to lie on the table.

Mr. Read, from the committee of ways and means reported a bill making general appropriations for the year 1830:

Which was read the first time and passed to a second reading to-morrow.

Mr. Hillis, from the select committee to which was recommitted the bill to incorporate the managers of the Madison and Indianapolis turnpike company, reported said bill with one amendment:

Which was read and concurred in by the house.

The said bill was then ordered to lie on the table.

Mr. Dumont moved the following resolution, viz:

Resolved, That the house of representatives will receive no new business after the day next:

When Mr. Read moved to lay said resolution on the table:

Which motion was carried in the affirmative.

Mr. Boon moved the following resolution, viz:

Resolved, That this house will adjourn *sine die*, on the 30th inst., the senate consenting thereto.

Mr. Ketcham moved to amend said resolution by adding thereto these words:

Provided, That the house is through with the business: when

Mr. Brown moved to lay said resolution and proposed amendment on the table:

Which motion was carried in the affirmative.

Mr. Beard moved the following resolution, viz:

Resolved, That the committee on roads be instructed to enquire into the expediency of providing for the opening that part of the Michigan road which lies between Indianapolis and the Wabash river.

Mr. Pennington moved to amend said resolution

by striking out "the committee on roads," and inserting in lieu thereof, "a select committee."

Which motion was carried in the affirmative.

Mr. Evans moved further to amend said resolution so as to make it the duty of said committee to enquire into the expediency of providing for the opening said road the whole length, from the Lake to the Ohio river.

The said resolution as amended, was then adopted by the house.

Ordered That Messrs. Beard, Hendricks, Kinnard, Hillis and Smith, be said committee.

On motion of Mr. Slaughter,

Resolved, That the thanks of this house be tendered to the Rev. A. Wylie, president of the Indiana College, for the able, learned and eloquent discourse, delivered by him, on the subject of education, to the members of the present general assembly, and others, at the Methodist Episcopal church, on the 17th inst., and that Messrs Bassett and Hall, be a committee to address President Wylie, and request a copy of his discourse for publication.

Mr. Johnston of K., moved the following resolution, viz:

Resolved, That the clerk, under the superintendence of the speaker, furnish the public printer with the proper form; and that said printer prepare 65 copies of certificates of compensation, to the members of this house.

And on the question to adopt said resolution, it was decided in the negative.

Mr. Conner moved the following resolution, viz:

Resolved, That the commissioners of the Michigan road be instructed to examine the north end of said road, from Indianapolis, and determine whether it would not be better to re-locate said road on a straight line from the southern bend of the St. Joseph river, to this place, and that they report their

opinions herein, to the next session of the general assembly.

Mr. Beard moved to lay said resolution on the table;

Which motion was carried in the affirmative.

Mr. Hillis, by leave of the house, presented a claim of Jeremiah Sullivan, for compensation for his contingent expenses, as commissioner, to treat with the state of Ohio, on the subject of the canal:

Which was read and referred to the committee of ways and means, with instructions to allow the same in the specific appropriation bill.

Mr. Gardner, after having obtained leave, presented a bill concerning the school lands, in Vermillion county:

Which was read the first and second times, the rules of the house having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Gardner, after having obtained leave, also presented a bill to establish a state road therein named:

Which was read the first and second times, the rules of the house having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Pabody,

The engrossed bill from the senate, entitled an act, attaching that part of the town of Paris which lies in Jefferson county, to the county of Jennings, was taken up, read the third time, and passed, with amendments.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendments.

On motion of Mr. Evans,

The several orders of the day which precede the bill, regulating the militia of the state of Indiana, were for the present postponed; and the house resolved itself into a committee of the whole, on said

bill; and after some time spent therein, the speaker resumed the chair, and Mr. Hall reported progress, and asked leave to sit again:

Which leave was granted by the house.

And then the house adjourned until 2 o'clock P.M.

2 o'clock, P. M.

The house met pursuant to adjournment.

A message was received from the senate by Mr. Test, their assistant secretary, announcing—

That the senate has passed an engrossed bill, from the house of representatives, entitled

An act, to legalize and establish the original survey in the town of Lafayette, in the county of Tippecanoe, with amendments; in which the concurrence of the house is requested;

They concur in the amendments, proposed by the house of representatives, to the engrossed bills and memorials of the senate, entitled as follows, viz:

An act, to extend a certain act therein named, to the county of Warren;

An act, to authorise the collector of Jackson county, for 1829, to sell certain lands for the taxes due thereon, and for other purposes: and

A memorial of the general assembly of the state of Indiana, to the Congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash and White river, with its branches, and improving the great western mail route from Louisville Ky., through New Albany, Paoli, Mount Pleasant, and Washington to Vincennes.

The amendments proposed by the senate, to the bill first named in said message;

Were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof:

The house again resolved itself into a committee of the whole, on the bill regulating the militia of the state of Indiana; and after some time spent therein,

The speaker resumed the chair; and

Mr. Herod reported said bill with sundry amendments:

Which were read and concurred in by the house:

When,

Mr. Rariden moved further to amend said bill by striking out all that part which gives to the courts of assessment, a discretionary power, to inflict a fine to the amount of three dollars for non-attendance at any muster required by said bill;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Armstrong, Basset, Beard, Brown, Coffin, Conner, Crume, Davis of S., Dixon, Dumont, Finley, Fite, Gardner, Guion, Hendricks, Herod, Hooyer, Hussey, Jackson of D., Jackson of S., Jones, Kingsbury, Kinnard, Levenworth, Leviston, Little, Long, McNary, Pollock, Rariden, Stewart, and Smiley, *Speaker*—32.

And those who voted in the negative, are,

Messrs. Bell, Bence, Boon, Davis of A., Evans, Hall, Hamilton, Hillis, Jack, Johnston of K, Johnston of T. Ketcham, Logan, Morrison, Moyer, Noble, Pabody, Pennington, Polke, Read, Slaughter Smith, Wallace of F. and Wallace of J.—24.

And so said motion was carried in the affirmative.

Mr. Evans moved further to amend said bill, by striking out 'fifty cents,' and inserting 'seventy-five cents for battalion, and one dollar for regimental musters,' (the fine to be assessed for non-attendance on said musters.)

A division of the question being called for, the same was put, on striking out:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Brown, Coffin, Davis of A., Evans, Hall, Johnston of K., Johnston of T., Ketcham, Kinnard, Morrison, Moyer, Noble, Pabody, Pennington, Polke, Pollock, Smith, and Wallace of J.—20.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Boon, Conner, Crume, Davis of S., Dixon, Damon, Finley, Fite, Gardner, Guion, Hamilton, Hendricks, Herod, Hillis, Hoover, Hussey, Jack, Jackson of D., Jackson of S., Jones, Kingsbury, Levenworth, Leviston, Little, Logan, Long, Rariden, Read, Slaughter, Stewart, Wallace of F. and Smiley, Speaker—35.

And so said motion was decided in the negative.

Mr. Levenworth moved to amend said bill by adding thereto the following as an additional section:

“The commandants of all regiments are hereby authorised in all cases, where public arms have heretofore been distributed to companies, or individuals, belonging to any company within his command, and such company has become disbanded, to call upon all persons having such public arms to deliver them up to him, that he may again organize a similar company, and distribute the arms to such company.”

Which motion was carried in the affirmative.

Mr. Kinnard then moved to recommit said bill to the military committee with instructions to amend it so as to provide for one regimental muster, and one regimental drill muster, in each year. And that a greater number of volunteer companies be provided for in each regiment; and that all persons subject to do military duty within each company, be required to report themselves and their arms, to their respective captains, on or before the first Saturday of November in each year.

Mr. Logan moved to amend said instructions, by adding thereto these words:

“And that there shall be one company muster in

the months of April and May each: and a battalion muster in the month of May in each year.'

Which motion was decided in the negative.

The question recurring on Mr. Kinnard's motion; It was also decided in the negative.

Mr. Ketcham moved to amend said bill, by adding the following as a proviso to the 31st section:

'Provided, however, that all persons, fined by the provisions of the thirty-first section of this act, who unavoidably have been prevented from attending the court of appeals, shall have the same right the succeeding year, of making his or their excuse, to the court of appeals; and if said court remit said fine or fines, the paymaster shall pay over to such person or persons, unjustly fined, all sums so collected of him or them, on his producing an order signed by the president of said court, and countersigned by the judge advocate.'

Which motion was carried in the affirmative.

Mr. Hendricks moved further to amend said bill, in the 15th section thereof, by striking out all that part of said section which relates to battalion musters;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Conner, Dumont, Finley, Fite, Guion, Hendricks, Herod, Hoover, Hussey, Jackson of D., Jones, Kinnard, Levenworth, Leviston, Little, McNary, Polke, Pollock, Read, Stewart and Smiley, *Speaker*—23.

And those who voted in the negative, are,

Messrs. Bell, Bence, Blake, Boon, Brown, Coffin, Crume, Davis of A., Davis of S., Dixon, Evans, Gardner, Hall, Hamilton, Hawk, Jack, Jackson of S., Johnston of K., Ketcham, Kingsbury, Logan, Long, Morrison, Moyer, Noble, Pabody, Pennington, Slaughter, Smith, Wallace of F. and Wallace of J.—30.

And so said motion was decided in the negative.

Mr. Little moved further to amend said bill in the 48th section thereof, by striking out the words 'and fifty,' so as to reduce the salary of the adjutant general, to one hundred dollars;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Boon, Crume, Dixon, Finley, Fite, Guion, Hamilton, Hendricks, Hoover, Hawk, Jack, Johnston of K., Jones, Ketcham, Little, McNary, Pennington, Smith and Smiley, Speaker--20.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Bell, Bence, Blake, Brown, Coffin, Conner, Davis of A., Davis of S., Dumont, Evans, Gardner, Hall, Hussey, Jackson of D., Jackson of S., Kinnard, Levenworth, Leviston, Logan, Long, Morrison, Moyer, Noble, Pabody, Polke, Pollock, Read, Slaughter, Stewart, Wallace of F. and Wallace of J.--33.

And so said motion was decided in the negative.
The said bill was then

Ordered To be engrossed, and read a third time on Thursday next.

And then the house adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, JANUARY 19, 1830.

The house met pursuant to adjournment.

Mr. Read from the committee of ways and means to which were referred sundry resolutions of the house on the subject of claims, reported a bill making specific appropriations for the year 1830:

Which was read the first and second times, the rules of the house having first been dispensed with.

and committed to a committee of the whole house for to-morrow.

Mr. Hall from the committee on the judiciary, to which was referred the petition of Isaac K. Finch and others, reported a bill legalizing the proceedings in a certain case therein named;

Which was read the first and second times, the rules of the house having first been dispensed with, and,

Ordered To be engrossed, and read a third time to-morrow.

Mr. Hall, from the judiciary committee to whom was referred the petition of Wesley White, in which the petitioner sets forth, that on the 23d of June, 1826, he executed a deed of gift to his son John F. White, then aged about ten years for a certain tract of land therein described; that at the time of making the deed, the petitioner was sick, and that his mind was impaired thereby; that since his recovery, he considers it was dealing unfairly with his other children; wherefore, he prays a law may be enacted, disannulling said deed; reported,

That they have had the subject under consideration, and are of opinion, that it is not within the scope of legislative enactment, to grant the prayer of the petitioner. They therefore ask to be discharged from the further consideration of that subject.

Which report was read and concurred in by the house.

Ordered, That said committee be discharged from the further consideration of said subject.

Mr. Herod, from the select committee to which was referred the petition of Nathaniel Parker and others, praying the formation of a new county out of the surplus territory of the counties of Parke, Putnam and Montgomery, reported,

That in the opinion of said committee, it would

be inexpedient to grant the prayer of the petitioners:

Which was read and concurred in by the house.

Mr. Dixon, from the select committee to whom was referred the petition of sundry citizens of the county of Green, living in congressional township, No. 6, range 5, west, and its vicinity, expressive of their dissatisfaction at the law now in force, for the sale of the school lands, and praying that a special act might be passed, authorising the trustees of said township, to sell and convey to Thomas Plummer, five acres of said section, for the purpose of erecting a grist-mill and other machinery thereon, reported,

That they deem it inexpedient to interfere with the general law upon the subject, with a view to grant the prayer of the petitioners, as it would be setting an example, which would lead to much special legislation of the same character; and that although in this particular case it might not be injurious to the public interest in the school lands, yet in the general, such enactments could not fail to be extensively injurious. They therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Which report was read and concurred in by the house.

Mr. Reiley, from the select committee to which was referred a resolution of the house, on the subject of the improvement of the navigation of the Wabash river, from Vincennes to the mouth of White river, reported a bill on that subject:

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered To be engrossed, and read a third time tomorrow.

Mr. Read moved the following resolution, viz:

Resolved, That the judiciary committee be instructed to report a bill to this house, fixing the time of holding courts in the several counties, not exceeding two terms in one year.

Mr. Brown moved to amend said resolution, by striking out the word 'two,' and inserting in lieu thereof the word 'three.' When,

Mr. Pennington moved to lay said resolution and proposed amendment on the table:

Which motion was decided in the negative.

The question recurring on the amendment proposed by Mr. Brown;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Brown, Casey, Coffin, Conner, Crume, Davis of S., Dumont, Finley, Gardner, Guion, Herod Hillis, Hoover, Hawk, Jackson of S., Johnston of T., Jones, Kingsbury, Leviston, Long, Moyer, Noble, Pabody, Polke, Rariden, Slaughter, Wallace of F., Wallace of J. and Smiley, Speaker—30.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Bell, Bence, Blake, Boon, Davis of A. Dixon, Evans, Fite, Hall, Hamilton, Hendricks, Hussey, Jack, Jackson of D., Johnston of K., Ketcham, Kinnard, Levenworth, Little, Logan, McNary, Pennington, Pollock, Read, Reiley, Smith, and Stewart—29.

And so said amendment was adopted.

The question then recurring on the adoption of the resolution as amended;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Beard, Bence, Blake, Brown, Casey, Coffin, Conner, Crume, Davis of S., Dumont, Finley, Gardner, Guion, Herod, Hillis, Hoover, Hawk, Jackson of S., Johnston of T., Jones, Kingsbury, Leviston, Long, Morrison, Moyer, Noble,

Pabody, Polke, Rariden, Slaughter, Wallace of F. Wallace of T., and Smiley, Speaker—33

And those who voted in the negative, are,

Messrs. Armstrong, Basset, Bell, Boon, Davis of A., Dixon, Evans, Fite, Hall, Hamilton, Hendricks, Hussey, Jack, Jackson of D., Johnson of K., Ketcham, Kincaid, Levenworth, Little, Logan, McNary, Pennington, Pollock, Read, Reiley, Smith, and Stewart—27.

And so said resolution as amended, was adopted.

Mr. Moyer moved the following resolution, viz:

Resolved, That the committee on roads be requested to enquire into the expediency of raising the fees of commissioners on state roads, from ~~one~~ dollar, to one dollar and fifty cents per day;

And the question being put,

Shall said resolution be adopted?

It was decided in the negative.

On motion of Mr. Herod,

Mr. Dumont was added to the committee on the judiciary.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate has passed an engrossed bill from the house of representatives, entitled

An act dividing the state into judicial circuits; without amendment.

They have also passed an engrossed memorial, originating in the senate, entitled

A memorial of the general assembly of Indiana;

In which they request the concurrence of the house.

The said memorial was read the first and second times, the rules of the house having first been dispensed with, and passed to a third reading to-morrow.

On motion of Mr. Johnston of T.,

The engrossed bill from the senate, entitled An act providing for the relocation of the seat of justice of Fountain county; and the petitions and remon-

stances on the same subject, were taken up, and referred to a select committee of Messrs. Johnston of T., Beard and Gardner.

On motion of Mr. Wallace of J.,

The bill levying a tax upon sales at auction, was taken up, and referred to a select committee of Messrs. Wallace of J., Hillis and Jackson of S.

On motion of Mr. Rariden,

The several orders of the day which precede the bill regulating Indian descents, and for other purposes, were, for the present, postponed;

And the committee of the whole house discharged from the further consideration of said bill:

When,

Mr. Pennington moved to postpone the further consideration of said bill, until the first Monday in December next.

Mr. Evans then moved to lay said bill on the table:

Which motion was decided in the negative.

The question recurring on Mr. Pennington's motion to postpone said bill;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Boon, Casey, Crume, Davis of A., Dumont, Evans, Fite, Gardner, Herod, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Jones, Ketcham, Little, Logan, McNary, Morrison, Moyer Pennington, Polke, Read, Reiley, Stewart, Wallace of F., and Wallace of J.—30.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Coffin, Conner, Dixon, Finley, Guion, Hall, Hamilton, Hendricks, Hillis, Hoover, Johnston of T., Kinnard, Levenworth, Leviston, Long, Pabody, Pollock, Rariden, Slaughter, Smith, and Smiley, Speaker—25.

And so the further consideration of said bill was postponed until the first Monday in December next.

And then the house adjourned until 2 o'clock
P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Finley,

The joint resolution on the subject of colonizing
the free people of color, was taken up;

And the question being put,

Shall said joint resolution pass?

And the ayes and noes being required thereon
by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Brown,
Casey, Coffin, Conner, Davis of A., Davis of S., Dixon, Du-
mont, Evans, Finley, Fite, Gardner, Guion, Hall, Hendricks,
Herod, Hillis, Hoover, Howk, Jack, Jackson of D., Jackson
of S., Johnston of K., Johnston of T., Jones, Ketcham,
Kingbury, Kinnard, Levenworth, Leviston, Logan, Long, Mc-
Nary, Morrison, Moyer, Noble, Pabody, Polke, Pollock, Rari-
den, Read, Reiley, Slaughter, Smith, Stewart, Wallace of J.
and Smiley, *Speaker*—53.

And those who voted in the negative, are,

Messrs. Hamilton, Little, and Pennington—3.

And so said joint resolution passed.

Ordered, That the clerk carry the same to the
senate and ask their concurrence therein.

Mr. Morrison, from the committee on enrolled
bills, reported—

That they have compared the enrolled with the
engrossed bills, entitled:

An act for the relief of Samuel Postlewait, of Du-
bois county;

An act to incorporate the Hamilton, Rossville
and Richmond turnpike company;

An act to incorporate the Franklin county semi-
nary;

An act dividing the state into judicial circuits;

An act altering the line dividing the counties of Jefferson and Scott;

An act to legalize and establish the original survey in the towns of Lafayette, in Tippecanoe, and Mount Vernon, in the county of Posey;

An act to provide for changing a part of the state road leading from Mauk's ferry to Indianapolis;

Together with

A joint resolution relative to deaf and dumb persons in this state;

Also,

An engrossed memorial of the general assembly of the state of Indiana, relative to a grant of land for the purpose of improving the mail route from New Albanay to Evansville;

And find the same truly enrolled.

When the speaker signed said bills, &c.

Ordered, That the clerk carry them to the senate, for the signature of their president.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor, to inform the house of representatives, that he did, on this day, approve and sign the following bills, and joint resolutions, viz:

An act to relocate part of the state road, leading from Madison to Lawrenceburgh;

An act to locate a state road therein named, and for other purposes;

An act concerning the seminary site of Union county;

A joint resolution relative to the establishment of a medical college, and for other purposes;

A joint resolution ratifying the compact between

the states of Ohio and Indiana, in pursuance of the act of Congress of the 24th of May, 1828.

Mr. Leviston, after having obtained leave, presented a bill to incorporate the White Water and Miami turnpike company :

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered To be engrossed and read a third time to-morrow.

On motion of Mr. Davis of A.,

The bill for the formation of the counties of _____ was taken up, amended by filling the blanks with the names of St. Joseph and Elk Hart, considered as engrossed, read the third time, and passed.

Ordered, That the said bill be entitled

An act for the formation of the counties of St. Joseph and Elk Hart ;

And that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Brown, from the joint committee for enrolled bills, reported,

That they did, on this day, present to the governor, for his approval and signature, the following enrolled bills, entitled acts, to wit :

An act for the relief of Drury Holt and Vincent Cooper ;

An act appointing commissioners to relocate the seat of justice of Dubois county ; and

An act to facilitate the opening of the Cumberland road, and preserve the same from being obstructed or injured.

A message was received from the senate, by Mr. Test their assistant secretary, announcing,

That the senate has passed engrossed bills of the following titles, from the house of representatives, to wit :

An act for the better support of the poor of Floyd county;

An act to establish a state road from Evansville to Anthony's ferry;

An act to incorporate the town of Jeffersonville, in Clark county; and

An act to locate a state road from Troy, in Perry county, to Washington, in Daviess county;

All of said bills without amendment.

They have also passed engrossed joint resolutions, originating in the senate, entitled as follows, to wit:

A joint resolution concerning the Indiana college; and

A joint resolution relative to the agent of the three per cent. fund;

In which joint resolutions the senate request the concurrence of the house of representatives.

The said joint resolutions mentioned in the above message, were severally read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the clerk inform the senate thereof.

Mr. Evans moved to reconsider the vote taken in the forenoon, postponing until the first Monday in December next, the further consideration of the bill regulating Indian descents and for other purposes;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Blake, Brown, Coffin, Conner, Dixon, Evans, Finley, Gardner, Guion, Hall, Hamilton, Hendricks, Hillis, Hoover, Johnston of T., Ketcham, Kinnard, Levenworth, Long, Moyer, Noble, Pollock, Rariden, Slaughter, Smith, Wallace of F. and Smiley, Speaker—29.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Boon, Casey, Crume; Davis of A., Davis of S., Dumont, Fite, Hawk, Hussey, Jack, Jackson of D., Jackson of S., Johnston of K., Jones, Kingsbury, Leviston, Little, Logan, McNary, Morrison, Pabody, Pennington, Polke, Read, Reiley, Stewart and Wallace of J.

—30.

And so said vote was not reconsidered.

Mr. Long, after having obtained leave, presented a bill to legalize the proceedings of the school commissioners of Madison county:

Which was read the first and second times, the rules of the house having first been dispensed with, and,

Ordered To be engrossed, and read a third time to-morrow.

The house then proceeded to consider the orders of the day:

The bill to improve the Crawfordsville state road; and

The bill for the appropriation of money to aid in building a bridge over Big Blue river;

Were severally read the second time; and

The question being put,

Shall said bills be engrossed and read a third time to-morrow?

It was decided in the negative.

And so said bills were rejected.

The bill to vacate a part of a certain state road therein named, and for other purposes;

The joint resolution on the subject of printing a certain act of the commonwealth of Virginia; and

The bill making general appropriations for the year 1830;

Were severally read the second time; and

Ordered To be engrossed and read a third time to-morrow.

The engrossed bill from the senate, entitled An

act to provide for the state printing and for other purposes, was read the third time as amended;

When,

Mr. Hoover moved to recommit the same to a select committee, with instructions to reduce the prices, so as to make them conformable to the prices now paid for the public printing:

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Crume, Davis of S., Dixon, Gardner, Hamilton, Hendricks, Hillis, Hoover, Jack, Jackson of D., Johnston of K., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Long, McNary, Pollock, Rariden, Slaughter Smith and Smiley, *Speaker*—29.

And those who voted in the negative, are,

Messrs. Basset, Bence, Blake, Casey, Coffin, Conner, Davis of A., Dumont, Finley, Fite, Guion, Hall, Herod, Hawk, Hussey, Jackson of S., Johnston of T., Little, Logan, Morrison, Moyer, Noble, Pabody, Pennington, Polke, Read, Reiley, Stewart, Wallace of F. and Wallace of J.—30.

And so said motion was decided in the negative.

The question recurring on the passage of said bill;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bence, Blake, Casey, Coffin, Conner, Davis of A., Dumont, Evans, Finley, Fite, Gardner, Guion, Hall, Hamilton, Herod, Hawk, Jack, Jackson of S., Johnston of K., Johnston of T., Kingsbury, Levenworth, Little, Logan, Morrison, Moyer, Noble, Pabody, Pennington, Polke, Rariden, Read, Reiley, Slaughter, Stewart, Wallace of F. and Wallace of J.—39.

And those who voted in the negative, are,

Messrs. Beard, Bell, Boon, Brown, Crume, Davis of S., Dixon, Hendricks, Hillis, Hoover, Hussey, Jackson of D.,

Jones, Ketcham, Kinnard, Leviston, Long, McNary, Pollock, Smith, and Smiley, *Speaker*—21.

And so said bill passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in the amendments.

The engrossed bill making an appropriation for the improvement of the state road from Indianapolis to Madison, was read the third time;

And the question being put,

Shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Bell, Bence, Blake, Boon, Conner, Crume, Davis of A, Davis of S., Dixon, Dumont, Evans, Gardner, Hendricks, Herod, Hillis, Hoover, Howk, Hussey, Jack, Jackson of D, Jackson of S., Johnston of K., Johnston of T., Kinnard, Levenworth, Little, Logan, Long, Morrison, Noble, Pabody, Pennington, Pollock, Reiley, Slaughter, and Wallace of J.—36.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Brown, Casey, Coffin, Finley, Fite, Guion, Hall, Hamilton, Jones, Ketcham, Kingbury, Leviston, McNary, Moyer, Polke, Rariden, Read, Smith, Stewart, Wallace of F. and Smiley, *Speaker*—23.

And so said bill passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

The engrossed bill authorizing the leasing of Jackson's lick, in Monroe county;

The engrossed bill supplemental to an act declaring Mississinewa river a public highway;

The engrossed bill establishing a state road therein named; and

The engrossed bill concerning the school lands in Vermillion county;

Were severally read the third time and passed.

Ordered, That the same be entitled 'acts,' and that the clerk carry them to the senate, and ask their concurrence therein.

The engrossed bill from the senate entitled, An act relative to the action of trespass, was read the third time, and passed.

Ordered, That the clerk inform the senate thereof.

The house resolved itself into a committee of the whole, on the bill to establish a state road from Martinsville, by way of Lyon's mill and Mooresville, leading north to the Michigan road;

And after some time spent therein,

The speaker resumed the chair, and

Mr. Hamilton reported said bill with sundry amendments:

Which were read and concurred in by the house.

The said bill was then

Ordered To be engrossed, and read a third time tomorrow.

On motion of Mr. Rariden,

The committee of the whole house was discharged from the further consideration of the bill to amend the several acts concerning officers' fees.

Mr. Rariden then moved that the further consideration of said bill be postponed indefinitely;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Bell, Bence, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dumont, Fite, Hendricks, Hussey, Jack, Jackson of S., Jones, Levenworth, Leviston, Logan, Long, Noble, Pabody, Pennington, Polke, Rariden, and Wallace of F.,—29.

And those who voted in the negative, are,

Messrs. Armstrong, Dixon, Guion, Hall, Hamilton, Hillis, Jackson of D., Johnston of K., Ketcham, Kingsbury, Kinnard, McNary, Morrison, Pollock, Read, Reiley, Slaughter, Smith, Stewart, Wallace of J. and Smiley, Speaker—20.

And so said motion was carried in the affirmative,
And then the house adjourned until to-morrow
morning, 9 o'clock.

WEDNESDAY MORNING, JANUARY 20, 1830.

The house met pursuant to adjournment.

Mr. Levenworth, from the select committee to which was referred a resolution of the house upon the subject of prosecutions by the United States for trespasses committed upon the unappropriated lands, made a lengthy, able and lucid report, accompanied by a joint resolution:

Which were read, and

Ordered To lie on the table.

Ordered, That eighty three copies of said report and joint resolution be printed for the use of the members of this house.

Mr. Reiley, from the select committee to which was referred a resolution of the house; and an engrossed joint resolution from the senate on the subject of improving the navigation of the Wabash and White rivers, reported the said joint resolution without amendment.

The said joint resolution from the senate was

Ordered to be read a third time to-morrow.

Mr. Wallace of J., from the select committee to which was referred the bill laying a tax upon sales at auction, reported the same so amended as to make its provisions extend to the county of Jefferson only.

The said bill was then considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Jackson of S., from the select committee to

which was referred the petition of John H. Scott and others, citizens of said county, praying a change in the mode of doing county business in said county, reported a bill in pursuance of the prayer of the petitioners;

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered, To lie on the table.

Mr. Bassett moved the following resolution, viz:

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the probate law, as to allow the probate judge certain fees, to be paid out of the estate, on which administration may be granted, in lieu of all other compensation.

Mr. Wallace of J., moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Herod, after having obtained leave, presented a bill to amend an act; entitled An act establishing a state road from Shelbyville to intersect the Madison state road, in Jennings county; approved, January 19, 1828:

Which was read the first and second times, the rules of the house having first been dispensed with,

When,

Mr. Pabody moved to lay said bill on the table.

Which motion was decided in the negative.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

The house then proceeded to consider the orders of the day:

The engrossed bill making general appropriations for the year 1830;

The engrossed bill to legalize the proceedings of the school commissioners of Madison county;

The engrossed bill to establish a state road from

Martinsville, by way of Lyon's mill and Mooresville, leading north to the Michigan road;

The engrossed bill to incorporate the White Water and Miami turnpike company;

The engrossed bill to vacate a part of a certain state road therein named;

The engrossed joint resolution relative to a certain act of the commonwealth of Virginia; and

The engrossed bill for the improvement of the Wabash, from Vincennes to the mouth of White river;

Were severally read the third time, and passed.

Ordered, That the said bills be entitled 'acts,' and that the clerk carry them to the senate, together with said joint resolution, and ask their concurrence therein.

The engrossed bill legalizing the proceedings of of the superintendent of a school section therein named, was read the third time; and

Ordered To lie on the table.

The engrossed memorial from the senate on the subject of school sections, in fractional townships, was read the third time, and passed.

Ordered, That the clerk inform the senate thereof,
On motion of Mr. Read,

The several orders of the day which precede the bill to provide for the erection of an asylum in each judicial district, were for the present postponed.

The house then resolved itself into a committee of the whole on said bill:

And after some time spent therein,

The speaker resumed the chair; and

Mr. Hoover reported said bill with sundry amendments:

Which were read and concurred in by the house:

The said bill was then

Ordered To lie on the table.

Mr. Morrison, from the committee on enrolled bills, reported—

That they have compared the enrolled with the engrossed bills, entitled:

An act to authorise the collector of the revenue of Jackson county, for 1829, to sell lands for the taxes due thereon, and for other purposes;

A memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash, and White river with its branches, and of improving the great western mail route, from Louisville, Kentucky, through New Albany, Paoli, Mount Pleasant, Washington and Vincennes, in this state;

And find the same truly enrolled.

When the speaker signed said bill and memorial.

Ordered, That the clerk carry them to the senate, for the signature of their president.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The speaker laid before the house a communication from Samuel Merrill, treasurer of state, exhibiting an account of \$23.62 1-2, paid by him for the use of the state:

Which was read, and

Ordered To lie on the table.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate concurs in the amendments proposed by the house of representatives to the engrossed bill of the senate, entitled An act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes.

They have passed without amendment the en-

grossed bill from the house of representatives entitled An act for the relief of Martha McBride.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor, to inform the house of representatives, that he did, on this day, approve and sign the following bill, entitled

An act dividing the state into judicial circuits.

On motion of Mr. Pennington,

The several orders of the day which precede the bill for opening and repairing public roads and highways, were for the present postponed.

The house then resolved itself into a committee of the whole on said bill;

And after some time spent therein,

The speaker resumed the chair; and

Mr. Johnston of K., reported said bill with one amendment:

Which was concurred in by the house.

When,

Mr. Beard moved further to amend said bill, so as to give to the board doing county business a discretionary power to pay any damages, which may be assessed for opening any new road, out of the county treasury: but should the said board deem it inexpedient to pay such damages as aforesaid, and the persons petitioning for said road, will pay the same, the said board shall cause the said road to be opened accordingly.

Which motion was carried in the affirmative.

Mr. Boon moved further to amend said bill by adding thereto the following as a proviso:

‘Provided that nothing in this act, or the acts to which this is an amendment, shall be so construed as to compel any person to work on roads and highways, for any sum which he may owe as a road

tax, upon lands according to the act of the last general assembly, less than twenty-five cents.'

Which motion was also carried in the affirmative. Mr. Copper moved further to amend said bill by adding thereto the following section:

'That supervisors shall call out the hands to work on the roads for their personal privilege, on or before the 15th day of June in each year; and for road tax on lands, on or before the 1st day of October in each year.'

Which motion was also carried in the affirmative.

Mr. Pennington moved further to amend said bill by adding thereto the following, as an additional section:

That so much of the law exempting incorporated towns from paying a road tax, be and the same is hereby repealed.'

And before the question was taken on said motion,

The house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 21, 1830.

The house met pursuant to adjournment.

A message was received from the senate by Mr. Test, their assistant secretary, announcing—

That the senate has passed an engrossed bill, from the house of representatives, entitled

An act to authorise the board of justices of Pike county to levy an additional tax in said county; without amendment:

That they have also passed engrossed bills originating in the senate, entitled as follows, viz:

An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana; and

An act declaratory of the law on the subject of divorces;

In which two last named acts, the senate requests the concurrence of the house of representatives.

The bill mentioned in said message relative to the canal, was read the first and second times, the rules of the house having first been dispensed with; and

Ordered To lie on the table.

The last mentioned bill in said message, was read the first time; when,

Mr. Beard moved to reject the same;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Basset, Beard, Hall, Hamilton, Hendricks, Hillis, Jack, Johnson of K., Ketcham, Kinnard, Leviston, Logan, Pabody and Smith—15.

And those who voted in the negative, are,

Messrs. Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dixon, Evans, Finley, Fite, Gardner, Guion, Herod, Hoover, Hawk, Hussey, Jackson of D., Jackson of S., Johnston of T., Jones, Kingsbury, Leavenworth, Little, Long, McNary, Morrison, Moyer, Pennington, Polke, Pollock, Rariden, Read, Reiley, Slaughter, Stewart, Wallace of F. Wallace of J., and Smiley, Speaker—43.

And so said bill was not rejected.

The said bill was ordered to a second reading to-morrow.

Mr. Rariden made the following report, to wit:

MR. SPEAKER:

The judiciary committee, to whom was referred the investigation of certain charges exhibited in this house against Jacob B. Lowe, clerk of the Monroe circuit court, charging the said Jacob B. Lowe of certain mal-practices in the administration of the duties of his said office, have, as di-

rected by the order of this house, caused to be brought before them, such persons and papers, and testimony, as was thought by your committee necessary to a full understanding of the several matters complained of. Your committee would, however, remark, that they have felt it their duty in this investigation, to confine their enquiries to acts committed by the accused since his coming into office under his present commission, which was in 1824.

On the allegation against the accused, that he as clerk has oppressively sued out a writ against the complainant, Mr. Roseberry, and caused him to be arrested thereon, without cause, your committee has to say, that the said Roseberry had been indicted on three several charges, at the spring or winter term of the Monroe circuit court, 1829, and that writs were ordered to be issued on each indictment; and that the accused in issuing the writs, as directed by the order of the court, in one of the writs misnamed the offence for which the party stood indicted. Your committee, not being able, from the facts and circumstances connected, to deduce any malignity of purpose in the accused, or any disposition on his part to injure or oppress the party arrested, have come to the conclusion that the error originated in carelessness and want of attention, for which he might be charged in a civil suit, and not in any corrupt or improper motive; and that therefore, for this offence the accused ought not to be impeached.

On that charge which imputes to the accused frauds and peculations upon the county treasury, your committee have to say, that they have not been able to procure any testimony that would go to fix such charge on the accused. So far as your committee have been enabled to understand the grounds of complaint upon this point, it is this: That from the year 1824, and perhaps earlier, up

to some time in 1827, the board doing county business, were in the habit of allowing the accused, for certain extra services, office rent, fuel and all necessary stationary for his office, special and separate appropriations out of the county treasury, over and above an annual general allowance authorised by statute. It is believed that it is in the supposed illegality and exorbitancy of those separate allowances, which has been made to the accused, that his fraud and speculation upon the treasury is supposed to exist. Your committee finding that such allowances for extra services, &c. have been made by the proper guardians of the treasury of Monroe county, to the accused, conceive it to be no part of their duty, on an enquiry of this kind, to question whether they had been properly or improperly made; nor are they prepared to say whether there was or was not criminality in asking them.

That part of the accusation against the accused, which attributes to him extortion in his office is, in the opinion of your committee, unsupported by evidence.

In the allegation that the accused had corruptly transposed a suit pending, wherein Maxwell was plaintiff and Elkins defendant, upon the docket, so as to prevent its being tried at that term, and of issuing an execution, returnable the second return day instead of the first, so as to delay collection, are facts which authorise inferences of an unfavorable character to the accused. But when your committee inspected the docket itself, and ascertained that the case alluded to, had been originally placed in a state of forwardness on the docket to which it was not entitled, and that in its transposition it was placed in the rear only of two cases, to which it was entitled to precedence, the complexion of the case is somewhat changed; and when your committee, from further examination ascertained that cases which occupied a place

still behind the one alluded to, had been actually tried on the fifth day of the term, they could not come to the conclusion, that the change made on the docket, in regard to this case, produced any effect upon its final destiny, or caused any delay in its trial; and in regard to making the execution returnable the second return day, instead of the first, your committee, without deciding whether it is legal to make an execution so returnable, think in many cases, where executions were directed to foreign counties, it would be the preferable mode, and tend to expedite collecting, and save costs.

On the minor charges against the accused, as negligence or want of proper attention to the duties of his office; your committee feel constrained to say, there exists too much cause for such complaints. But as all this kind of official delinquency, is the subject of punishment in a court of criminal jurisdiction, your committee believe that a sufficient assurance against their occurrence or repetition, may be found in a few applications of the appropriate penalties consequent to a violation of official obligations, before the criminal courts of that county.

Your committee, therefore, have come to the conclusion, that for any cause known to your committee, the accused, Jacob B. Lowe, ought not to be impeached.

Which report was read and concurred in by the house.

Mr. Brown, from the joint committee for enrolled bills, reported,

That they did on yesterday, present to the governor for his approval and signature, the following enrolled bills and joint resolutions, to wit:

An act to incorporate the Hamilton and Richmond turnpike company;

An act for the relief of Samuel Postlewait, of Dubois county;

An act to incorporate the Franklin county seminary;

An act to legalize and establish the original survey in the town of Lafayette, in Tippecanoe county, and Mount Vernon, in the county of Posey;

An act dividing the state into judicial circuits;

An act altering the line dividing the counties of Jefferson and Scott;

An act to provide for changing part of the state road leading from Mauk's ferry to Indianapolis;

A joint resolution relative to deaf and dumb persons in this state; and

A memorial of the general assembly of the state of Indiana, relative to a grant of land for the purpose of improving the mail route from New Albany to Evansville;

Mr. Hall, from the committee on the judiciary, to which was referred a resolution of the house, on the subject of fixing the time of holding courts in the several judicial circuits in this state, reported a bill in pursuance of said resolution:

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered, To lie on the table:

Mr. Herod, by leave of the house, presented a petition of Samuel M. Osborn and others, citizens of the town of Columbus, praying that said town may be incorporated;

And also the remonstrance of Tiffin Davis and others, citizens of said town, against the prayer of the petitioners:

Which were read and referred to a select committee of Messrs. Herod, Pabody and Ketcham.

Mr. Bassett, from the committee on education, to which was referred the communication from the governor, containing the resignation of Benjamin Parke, as a visiter to the Indiana college, reported

a joint resolution, filling the vacancy occasioned by said resignation;

Which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the clerk carry it to the senate, and ask their concurrence therein.

Mr. Brown, from the joint committee for enrolled bills, reported,

That they did, on yesterday, present to the governor, for his approval and signature, the following bill and joint memorial, to wit:

An act to authorize the collector of the revenue of Jackson county, for 1829, to sell lands for taxes due thereon, and for other purposes;

A memorial of the general assembly of the state of Indiana to the congress of the United States, on the subject of removing the obstructions to the navigation of the Wabash, and White river with its branches; and of improving the great western mail route from Louisville, Kentucky, through New Albany, Paoli, Mount Pleasant, Washington and Vincennes, in this state.

Mr. Hoover moved the following resolution, viz:

Resolved, That this house will meet the senate in the representative hall, to-morrow evening at two o'clock, the senate assenting thereto, for the purpose of electing the several judges and prosecutors, to be elected at the present session of the general assembly.

Mr. Evans moved to amend said resolution, by striking out the words 'to-morrow evening,' and inserting in lieu thereof the words 'Monday evening next;'

And a division of the question being called for by Mr. Finley;

The same was put on striking out said words, and carried in the affirmative.

Mr. Reiley then moved to fill the blank with the words 'Wednesday evening next.'

Which motion was decided in the negative.

The question recurring on filling the blank as proposed by Mr. Evans;

It was also decided in the negative.

The said blank was then filled with these words, 'Saturday evening next.'

The question recurring on the adoption of said resolution as amended,

It was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Read, after having obtained leave, presented a joint resolution, authorising the auditor of public accounts to procure a list of relinquished and forfeited lands from the land offices therein named:

Which was read the first, second and third times, and passed, the rules of the house having first been dispensed with.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

On motion of Mr. Long,

The engrossed bill legalizing the proceedings of the superintendent of a school section therein named, was taken up, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Stewart,

The engrossed bill to legalize the proceedings of the probate court of the county of Pike, and for other purposes, was taken up, and passed.

Ordered, That the same be entitled an 'act,' and

that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Coffin asked and obtained leave to withdraw the petition of Ira Glover, and the accompanying documents, praying articles of impeachment against William Hoggatt, clerk of the Orange circuit court.

On motion of Mr. Rariden,

The several orders of the day which precede the engrossed bill from the senate, to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years, in this state; and the bill of this house on the same subject, were for the present postponed.

The house then resolved itself into a committee of the whole on said bills:

And after some time spent therein,

The speaker resumed the chair; and

Mr. Hendricks reported said bill from the house with one amendment, and the bill of the senate without amendment;

When,

The further consideration of the said bill of this house was postponed indefinitely.

The amendment proposed in the committee of the whole to the said engrossed bill from the senate, was by striking out the same from its enacting clause, which reads as follows, to wit:

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be the duty of the boards doing county business in the several counties within this state, at their May, or at some subsequent term thereof, in the year one thousand eight hundred and thirty, to appoint some suitable person as lister in their respective counties, to take the enumeration of the white male inhabitants above the age of twenty-one years, in their respective counties, agreeably to the second section of the third article of the constitution of this state.

SEC. 2. Every person so appointed as lister, shall previously to entering upon the duties of his said appointment, take an oath or affirmation faithfully to discharge the duties enjoined on him, by the provisions of this act, before the clerk of the board making such appointment, who is hereby authorised and required to administer the same; and it shall be the further duty of said clerk, to take from the said lister, a bond, with at least two good freehold securities in the penal sum of five hundred dollars, payable to the state of Indiana, for the use of the proper county, conditioned for the faithful discharge by the said principal obligor, of all the duties enjoined on him by this act, which said bond, after having a certificate of the aforesaid oath or affirmation endorsed thereon, shall be, by the clerk, filed in his office.

SEC. 3. It shall be the duty of the listers aforesaid, after having been appointed, and qualified as aforesaid, to proceed to take the enumeration required by this act between the first day of September and the fifteenth day of November next, and make out under his hand and seal, a fair list, of the names of all the inhabitants required to be so enumerated; and deposit the same in the clerk's office of their counties, on or before the said fifteenth day of November.

SEC. 4. It shall be the duty of the several clerks aforesaid, forthwith after receiving the enumeration list aforesaid, to make out a certificate of the whole number of persons so enumerated, under their respective hands and official seals, and transmit the same to the office of the secretary of state, by the first Monday in December next; and at the same time make out, and deliver to each senator and representative of the proper county, a like certificate, certifying the whole number of persons contained in such enumeration list, under the penalty of one hundred dollars, to be recovered against

such clerk on presentment or indictment, in any court having competent jurisdiction thereof, and the same when recovered shall go to the use of the county seminary of the proper county, and it shall be the duty of said senators and representatives, to carry and deliver said certificate to the secretary of state on the first Monday of December then next ensuing.

SEC. 5. Should it so happen that any of the listers appointed under the provisions of this act, refuse to act, remove from the county, resign, take sick, die, or in any other way vacate said trust, then and in that event it shall become the duty of the proper board aforesaid, to convene in special session, who are hereby authorised so to do and proceed to fill such vacancy, in the manner prescribed in this act, which successor when so appointed, shall be governed in all other respects, by the provisions of this act.

SEC. 6. The listers appointed under, and performing the duties required by this act, shall be allowed for their services, not exceeding at the rates of three dollars for every hundred inhabitants so listed in all counties where the number shall exceed one thousand; in all counties where the number exceeds five hundred, and not exceeding one thousand, not exceeding at the rates of three dollars and fifty cents for each hundred; and in all other counties, not exceeding at the rates of four dollars for each hundred, at the discretion of the boards respectively making the appointment, to be paid out of any monies in the state treasury not otherwise appropriated; and the clerks respectively shall certify the same under their seal of office to the auditor of public accounts, who shall, thereupon issue his warrant on the treasury for the same.

SEC. 7. The listers appointed in such counties as may have territory attached to them by law, merely for civil and criminal jurisdiction, shall take the en-

enumeration of inhabitants in such attached territory in the manner prescribed by this act, with this difference only, that the names here alluded to shall be entered on the concluding part of such list, and a note of distinction made.

This act to take effect and be in force on the first day of May next.

And inserting in lieu thereof, the following, to wit:

SEC. 1. That on or before the first day of October, of the present year, it shall be and is hereby made the duty of each, and every clerk of the circuit court within, and for their respective counties under the seal of their said courts to certify to the secretary of state the whole number of white male paupers, and insane persons, and persons exempt from a poll tax, who are not certified to the auditor of public accounts, that belong to, or are inhabitants of their several counties.

SEC. 2. That it shall be, and it is hereby made, the duty of the auditor of public accounts, on or before the second Monday in December, of the present year, to certify to the secretary of state the whole number of polls returned from each county, for the present year.

SEC. 3. That it shall be, and it is hereby made the duty of the secretary of state, on the second Monday of the next session of the general assembly, to furnish the speaker of the house of representatives, and the president of the senate, each, for the inspection of their respective houses, with a certified statement, exhibiting the whole number of polls returned from each county, with the number of paupers, insane persons, and persons exempt from a poll tax, who are not certified to the auditor of public accounts.

SEC. 4. That if the clerk of any circuit court in this state, the auditor of public accounts, or the secretary of state, shall refuse or neglect to discharge

the duties enjoined upon them by this act, he or they, so offending shall forfeit and pay for the use of the county seminaries, the sum of fifty dollars to be recovered by presentment or indictment, in the circuit court having jurisdiction thereof, or on motion to be made by the circuit prosecutor for the proper county.

SEC. 5. That it shall be the duty of the several listers for the present year, in making returns of the polls in their several counties to distinguish and report the whole number of persons of colour, who may be included in their return, which shall also be noticed by the clerk in his report to the auditor of public accounts, and by the auditor of public accounts in his report to the secretary of state, and by the secretary of state in his report to both houses of the general assembly.

This act shall be in force from and after its publication.

The question being then put,

Will the house concur in said amendment?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Boon, Casey, Coffin, Conner, Davis of S., Dixon, Finley, Fite, Guion, Hall, Hamilton, Herod, Hoover, Howk, Jack, Jackson of S., Johnson of K., Jones, Ketcham, Kingsbury, Levenworth, Leviston, Little, Logan, Moyer, Pabody, Pennington, Polke, Pollock, Read, Reiley, Slaughter, Smith, Stewart, Wallace of F., Wallace of J., and Smiley, Speaker—40.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Blake, Brown, Crume, Davis of A., Gardner, Hendricks, Hillis, Hussey, Jackson of D., Johnston of T., Kinnard, Long, McNary, and Noble—16.

And so said amendment was concurred in by the house.

Mr. Blake then moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Rariden then moved further to amend said bill by adding thereto the following, as an additional section:

'It shall moreover be the duty of the clerks of the several counties of this state to certify the number of polls that may not have been listed by the lister, and that may have been assessed and listed by the collector of state and county revenue on or before the first Monday in December next (1830) to the secretary of state.'

Which motion was carried in the affirmative.

Mr. Beard moved to recommit said bill to a select committee, with instructions to amend it so as to provide for returns of polls from new counties destitute of clerks.

Which motion was decided in the negative.

The said amendments were then

Ordered To be engrossed and said bill read a third time to-morrow.

The speaker laid before the house the following communication from the governor:

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, Jan. 21, 1830. }

ROSS SMILEY,

Speaker of the House of Representatives:

SIR;

On the 20th inst. I received the following letter of resignation from one of the prosecuting attorneys of this state, to wit:

INDIANAPOLIS, IND. Jan. 20, 1830.

JAMES B. RAY, Gov. of Ind.

SIR: By a late arrangement of the present general assembly, regulating and increasing the judicial circuits in this state, having been thrown into a circuit in which, by virtue of my unexpired commission of the third judicial circuit, I can no longer

discharge the duties of prosecuting attorney for the state: therefore, as a just and necessary accommodation to all concerned, I do cheerfully resign the balance of my unexpired term as prosecuting attorney of the third judicial circuit, that the vacancy may be filled according to law.

Very respectfully,

Your ob't serv't;

MARTIN M. RAY.

Which I hereby communicate to the legislature.

I have the honor to be

Yr. obt. servt.

J. BROWN RAY.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing,

That the senate concur in the amendment proposed by the house of representatives to the engrossed bill of the senate, entitled

An act to provide for public printing, and for other purposes.

The senate has passed an engrossed bill from the house of representatives, entitled

An act providing for the relocation of the county seat of Sullivan county;

With eight amendments, in which I am directed to ask the concurrence of the house of representatives.

The senate has also passed an engrossed bill, originating in the senate, entitled

An act to regulate the mode of doing county business in the several counties in this state:

In which also they request the concurrence of the house of representatives.

The first amendment proposed by the senate, to the second named bill in said message, was read and disagreed to by the house.

The second, fourth, fifth, sixth, seventh and eighth amendments proposed by the senate to said

bill were severally read, and concurred in by the house; and

The third amendment proposed by the senate to said bill was read and agreed to, with an amendment.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in the amendment proposed by the house to the senate's third amendment to said bill.

The last mentioned bill in said message, concerning the mode of doing county business, was read the first and second times, the rules of the house having first been dispensed with,

When,

Mr. Wallace of J., moved to postpone the further consideration thereof, until the first Monday in December next.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bell, Bence, Casey, Coffin, Davis of A., Dixon, Dumont, Evans, Fite, Guion, Hendricks, Herod, Hillis, Jack, Ketcham, Kingsbury, Levenworth, Leviston, Little, Logan, McNary, Morrison, Moyer, Pabody, Pennington, Polke, Pollock, Slaughter, and Wallace of J.—31.

And those who voted in the negative, are,

Messrs. Beard, Brown, Conner, Crume, Davis of S., Finley, Hall, Hamilton, Hoover, Jackson of D., Jackson of S., Johnston of K., Jones, Kinnard, Long, Read, Reiley, Smith, Stewart, Wallace of F., and Smiley, Speaker—21.

And so said motion was carried in the affirmative.

Mr. Morrison from the joint committee for enrolled bills, reported

That they have compared the enrolled with the engrossed bills, entitled,

An act for the relief of Martha McBride;

An act for the better support of the poor in Floyd county;

An act extending the corporation of Madison;

An act for the appropriation of money to aid in building a bridge over Plumb creek;

An act to establish a state road from Evansville to Anthony's ferry:

And find the same truly enrolled.

When,

The speaker signed said bills.

Ordered, That the clerk carry them to the senate, for the signature of their president.

Mr. Morrison, after having obtained leave, presented a bill relative to marriage license:

Which was read the first and second times, the rules of the house having first been dispensed with,

When,

Mr. Smith moved to commit it to a committee of the whole house for to-morrow.

Which motion was decided in the negative.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 22, 1830.

The house met pursuant to adjournment.

Mr. Ketcham presented a petition of John W. Lee, of Monroe county, praying compensation for apprehending Simon R. Moore, a fugitive from justice:

Which was read and referred to the committee on claims.

On motion of Mr. Ketcham,

Mr. Morrison was added to the committee on claims.

Mr. Hillis, from the committee on elections, to which was referred a resolution of the house, instructing them to enquire into the expediency of reporting a bill providing for taking the sense of the people at the next general election of this state, whether they wish to call a convention to modify the constitution so as to provide for a biennial meeting of the legislature, &c. reported

That they have had that subject under consideration, and are of opinion that it is inexpedient to legislate upon it at this time.

Which report was read, and

Ordered To lie on the table.

Mr. Hawk made the following report:

The committee on the affairs of the state prison, to whom was referred a resolution of this house, directing an enquiry as to the propriety of making provisions by law for a distribution of the hire of the state prison among the subscribers for building the same, or for refunding to said subscribers the amount by them respectively advanced, have had that subject under their consideration, and are of opinion that the act authorising the building said prison, gave to individuals, who contributed for the construction of the same, an interest in said prison proportionate to the amount by them respectively paid; subject however to be divested by any future legislature, by compensating the subscribers for the value of said interest; to be estimated by three disinterested persons to be appointed for that purpose by the judges of the supreme court; that under the provisions of said act, several persons residing in the town of Jeffersonville and its vicinity, became subscribers for the building of said prison, and paid about \$970.00 for the same, as your committee are informed. That by the act of 1824, relative to said prison, the board of managers of said

prison was abolished, and the management of said prison vested in the state under the direction of the executive, without making any provisions for the interests of those persons who had contributed in the erection of the same. Your committee are therefore of opinion that the subscribers for building said prison have a just and legal claim upon the state, to be compensated for the interest which they held in common with the state in said prison, and of which, by the act of 1824, they were divested, and have instructed me to report a bill for their relief; which is herewith submitted.

The said bill mentioned in said report, was read the first time, and passed to a second reading to-morrow.

A message was received from the senate by Mr. Test, their assistant secretary, announcing,

That the senate has adopted the following resolution, to wit:

Resolved, That the senate, in pursuance of the resolution of the house of representatives on that subject, will meet the house of representatives in their hall, at two o'clock in the afternoon of Saturday, the 23d inst., for the purpose of electing president judges of the circuit courts, and prosecuting attorneys, to be elected at the present session of the legislature.

Mr. Logan from the committee on claims, to which was referred a petition of Nathaniel Cox, praying compensation for services rendered in exploring White river, reported,

That they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That the committee of ways and means be instructed to allow to Nathaniel Cox, in the specific appropriation bill, the sum of sixteen dollars and fifty cents.

Which report was read and concurred in by the house.

Mr. Finley from the select committee, to which was referred the petition of Benjamin Perdue and others, on the subject of a road therein named, reported, that in the opinion of said committee, it is inexpedient to legislate on that subject, at this time.

Which report was read, and concurred in by the house.

Mr. Johnston of T., from the select committee, to which was referred the petitions and remonstrances, together with an engrossed bill from the senate, to provide for the relocation of the seat of justice of Fountain county, reported, that it would be inexpedient to legislate any further on that subject at this time.

Which report was read, and concurred in by the house.

The further consideration of the bill mentioned in said report was then postponed until the first Monday in December next.

On motion of Mr. Boon,

The vote taken on yesterday, agreeing to the third amendment, as amended by the house, proposed by the senate, to the engrossed bill providing for the relocation of the seat of justice of Sullivan county, was reconsidered.

The question recurring on agreeing to said amendment;

It was decided in the negative.

Mr. Hall, after having obtained leave, presented a bill for the benefit of the inhabitants of a certain township therein named;

Which was read the first and second times, the rules of the house having first been dispensed with, and,

Ordered To be engrossed, and read a third time to-morrow.

On motion of Mr. Read,

The bill to provide for the erection of an asylum in each judicial district, was taken up;

When,

Mr. Hall moved to postpone the further consideration of said bill until the first Monday in December next;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bence, Boon, Casey, Crume, Davis of A., Dixon, Evans, Finley, Fite, Hall, Hamilton, Hendricks, Herod, Hillis, Hoover, Hawk, Jack, Jackson of D., Jackson of S., Johnson of K., Johnston of T., Jones, Levenworth, Morrison, Pabody, Pennington, Rariden, Slaughter, Smith, Stewart, and Wallace of J.—83.

And those who voted in the negative, are,

Messrs. Armstrong, Basset, Blake, Coffin, Davis of S., Dumont, Gardner, Guion, Hussey, Ketcham, Kingsbury, Kindard, Leviston, Logan, Long, McNary, Moyer, Noble, Polke, Read, Reiley, Wallace of F., and Smiley, Speaker—23.

And so said motion was carried in the affirmative.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor, to inform the house of representatives, that he did, on this day, approve and sign the following bills, joint resolution and memorial, viz:

An act for the relief of Samuel Postlewait of Dubois county;

An act to provide for changing a part of the state road leading from Mauk's ferry to Indianapolis;

An act altering the line dividing the counties of Jefferson and Scott;

An act to legalize and establish the original survey in the towns of Lafayette, in Tippecanoe, and Mount Vernon, in the county of Posey;

An act to incorporate the Franklin county seminary;

A joint resolution relative to deaf and dumb persons in this state; and

A memorial of the general assembly of the state of Indiana, relative to a grant of land for the purpose of improving the mail route from New Albany to Evansville;

On motion of Mr. Kingsbury,

The engrossed bill authorising an asylum for the poor in the county of Washington, was taken up; and,

On motion of Mr. Armstrong,

The house consented to amend said bill, so that its provisions shall extend to the county of Dearborn.

The said bill was then read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

The house then proceeded to consider the bills on the third reading:

The engrossed bill to regulate the militia of the state of Indiana, was read the third time, and amended by consent.

The question being then put,

Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Blake, Boon, Brown, Casey, Conner, Crume, Davis of A., Davis of S., Dixon, Evans, Fite, Gardner, Hall, Hamilton, Hendricks, Herod, Jack, Jones, Ketcham, Kingsbury, Leviston, Logan, Loug, McNary, Morrison, Noble,

Pabody, Pollock, Rariden, Slaughter, Smith, Wallace of F. and Smiley, Speaker—35.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Coffin, Dumon', Finley, Guion, Hillis, Hoover, Hawk, Hussey, Jackson of S., Johnston of K., Johnston of T., Kinnard, Levenworth, Moyer, Pennington, Polke, Read, Reiley, Stewart and Wallace of J.
--24.

And so said bill passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

The engrossed bill to amend an act establishing a state road from Shelbyville to intersect the Madison state road in Jennings county; and

The engrossed bill relative to marriage license;

Were severally read the third time, and passed.

Ordered, That the same be entitled 'acts,' and that the clerk carry them to the senate, and ask their concurrence therein.

The engrossed joint resolution from the senate, to the congress of the United States, requesting a corps of engineers to examine and survey White river, and the east and west branches thereof, and to examine, and if found practicable, survey a canal route to connect the Wabash and Erie canal with the Ohio river; was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate, entitled, An act to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state; was read the third time; and,

On motion of Mr. Beard,

The house consented to amend said bill, by adding a seventh section thereto.

And then the bill passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Morrison, from the joint committee on enrolled bills, reported—

That they have compared the enrolled with the engrossed bills, entitled:

An act in relation to the action of trespass;

An act to provide for the public printing, and for other purposes;

An act to attach that part of the town of Paris, which lies in Jefferson county, to the county of Jennings, and for other purposes.

Also,

A joint resolution concerning the Indiana college;

A joint resolution relative to the agent of the three per cent. fund.

Also,

A memorial of the general assembly of Indiana;

A memorial of the general assembly of Indiana;

And find the same truly enrolled.

When, the speaker signed said bills, &c.

Ordered, That the clerk carry them to the senate for the signature of their president.

The house then resumed the consideration of the bill for opening and repairing public roads and highways; when,

Mr. Pennington moved to postpone the further consideration of said bill, until the first Monday in August next.

Which motion was carried in the affirmative.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Garduer,

The committee of the whole was discharged from the further consideration of the bill to open a state road from Raccoon ford, in the county of Park, to Fort Wayne, in Allen county.

The said bill was then amended, so as to open said road as far as Lafayette only.

The said bill was then considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry the same to the senate, and ask their concurrence therein.

On motion of Mr. Beard,

The committee of the whole was discharged from the further consideration of the bill to locate and open certain state roads, and for other purposes; and the said bill postponed indefinitely.

On motion of Mr. Boon,

The committee of the whole was discharged from the further consideration of the bill to relocate a part of the state road leading from Rockport to Bloomington.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

On motion of Mr. Blake,

The orders of the day were, for the present postponed, and the engrossed bill from the senate, to provide means to construct the portion of the Wabash and Erie canal within the state of Indiana, was taken up; when

Mr. Pennington moved to amend said bill in the first section thereof, by striking out the word 'three,' the number of commissioners, and inserting in lieu thereof, the word 'one.'

Which motion was decided in the negative.

Mr. Rariden then moved to amend said bill in the sixth section thereof, by adding after the word 'congress,' the following proviso;

'Provided the state of Ohio has or shall hereaf-

ter ratify the compact heretofore entered into between the state of Indiana and the state of Ohio, by their commissioners, Jeremiah Sullivan and Wyllys Silliman.'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Coffin, Crume, Finley Fite, Hall, Hamilton, Hoover, Howk, Jackson of S., Jones, Kingsbury, Levenworth, Leviston, Little, Logan, Long, Moyer, Pabody, Pennington, Polke, Rariden, Slaughter, Wallace of J. and Smiley, Speaker—26.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Casey, Conner, Davis of A., Davis of S., Dixon, Dumont, Evans, Gardner, Guton, Hendricks, Hillis, Hussey Jack, Jackson of D., Johnston of K., Johnston of T., Ketcham, Kinnard, McNary, Morrison, Noble, Pollock, Read, Reiley, Smith, Stewart and Wallace of F.—33.

And so said motion was decided in the negative.

Mr. Evans moved to amend said bill in the sixth section thereof, by inserting after the word 'sale,' these words, 'as well the first as others.'

Which motion was carried in the affirmative.

Mr. Read moved further to amend said bill in the eleventh section thereof, by inserting after the word 'interested,' these words, 'either directly or indirectly.'

Which motion was carried in the affirmative,

The said amendments were considered as engrossed, and the said bill read the third time.

And the question being put,

Shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown,

Casey, Conner, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hendricks, Herod, Hillis, Hussey, Jack, Jackson of D, Johnston of K, Johnston of T., Jones, Ketcham, Kinnard, Long, McNary, Morrison, Noble, Pollock, Read, Reiley, Smith, Stewart, Wallace of F. Wallace of J. and Smiley, Speaker--39.

And those who voted in the negative, are,

Messrs. Bell, Bence, Coffin, Crume, Fite, Hall, Hamilton, Hoover, Howl, Jackson of S, Kingsbury, Levenworth, Leviston, Little, Logan, Moyer, Pabody, Pennington, Polke, Rariden, and Slaughter--21.

And so said bill passed as amended.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendments.

Mr. Brown, from the joint committee for enrolled bills, reported,

That they did on this day, present to the governor for his approval and signature, the following bills, entitled acts, to wit:

An act extending the corporation of Madison;

An act for the appropriation of money to aid in building a bridge over Plumb creek;

An act for the relief of Martha McBride;

An act to establish a state road from Evansville to Anthony's ferry;

An act for the better support of the poor in Floyd county.

A message was received from the senate by Mr. Test, their assistant secretary, announcing

That the senate has passed engrossed bills from the house of representatives, entitled as follows, to wit:

An act for the relief of Walter Pennington, and for other purposes;

An act to extend the powers of the commissioners of Morgan county in a certain case therein named, and for other purposes;

An act making general appropriations for the year 1830.

An act to establish a state road from Martinsville,

by way of Lyon's mill and Mooresville, leading north to the Michigan road;

An act to establish a state road therein named;

An act supplemental to an act declaring Missis-sinewa river a public highway;

An act to vacate a certain state road therein named, and for other purposes:

The two first named acts with amendments, in which the concurrence of the house of representatives is requested; the five last without amendment.

The senate also have passed the following engrossed joint resolutions from the house of representatives, without amendment, to wit:

A joint resolution of the state of Indiana on the subject of colonizing people of color;

A joint resolution authorising the auditor of public accounts to procure a list of relinquished lands from the land offices therein named;

A joint resolution relative to a certain act of the commonwealth of Virginia;

A joint resolution relative to the Indiana college.

Also—The senate concur in the amendment proposed by the house, to the engrossed bill of the senate, entitled,

An act amendatory of an act authorizing the leasing of Royce's lick and Rock lick reserves, in the county of Washington; approved, January 7, 1828, with amendments;

In which also they request the concurrence of the house of representatives.

The amendments proposed by the senate to the two first named bills in said message, and to the amendment proposed by the house to the last named bill in said message, were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Pennington,

The committee of the whole was discharged from the further consideration of the bill to amend an

act relative to crimes and punishments; approved, January 20, 1824; and

Ordered To be engrossed and read a third time to-morrow.

On motion of Mr. Hillis,

The committee of the whole was discharged from the further consideration of the bill authorising a certain lease therein named.

The said bill was then

Ordered, To be engrossed and read a third time to-morrow.

On motion of Mr. Hall,

The committee of the whole was discharged from the further consideration of the bill to amend the act entitled An act for assignment of dower.

The said bill was then

Ordered To be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole on the joint resolution requesting aid of congress for the purpose of erecting a hospital at some convenient point on the Ohio river, for the use of sick watermen;

And after some time spent therein,

The speaker resumed the chair; and

Mr. Hussey reported the same with one amendment;

Which was read and concurred in by the house.

The said joint resolution was then

Ordered To be engrossed and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JANUARY 23, 1830.

The house met pursuant to adjournment.

Mr. Howk, from the committee on the judiciary, to which was referred the engrossed bill from the senate to amend an act entitled An act for the relief of occupying claimants of land, reported the same without amendment.

The said bill was then read the third time, and passed.

Ordered That the clerk inform the senate thereof.

Mr. Boon, from the committee on claims, to which was referred the petition of Andrew Davison, praying compensation for services, as an attorney, rendered to the state, reported, that he ought to be allowed five dollars in the specific appropriation bill, now before this house.

Which report was read, and

On motion of Mr. Hendricks, the same was

Ordered To lie on the table.

Mr. Howk, from the committee on the affairs of the state prison, to whom was referred a resolution of this house, directing them to report on the following points, to wit:

1st. What number of convicts are now confined in the penitentiary? and whether male or female; white or colored?

2d. The nature of the crimes for which they severally stand committed?

3d. What is the nature of their treatment? does there exist any just cause of complaint on their part?

4th. Whether convicts do not frequently escape from prison; and to what cause is it attributable?

Reported, that from the return of the superintendent of said prison, on file in the office of the secretary of state, it appears that there were confined in said prison on the first day of November

last, 39 convicts, all of whom are males, and 5 of whom are colored persons: 30 of them are convicted of larceny; 4 of manslaughter; 2 of burglary; 2 of forgery, and 1 of arson.

The treatment of the convicts, so far as the committee are informed on that subject, is humane. Convicts have in some instances escaped from the prison; but to what cause the escapes are attributable, the committee are not advised.

Which report was read, and concurred in by the house.

Mr. Brown, from the joint committee on enrolled bills, reported, that they did, on yesterday, present to the governor, for his approval and signature the following enrolled bills, joint resolutions and joint memorial, to wit:

An act to attach that part of the town of Paris which lies in Jefferson county, to the county of Jennings, and for other purposes;

An act in relation to the action of trespass;

An act to provide for the public printing, and for other purposes;

A joint resolution concerning the Indiana college;

A joint resolution relative the agent of the three per cent fund; and,

A memorial of the general assembly of the state of Indiana.

Mr. Herod, from the select committee, to which was referred the petition of Samuel Osbourne and others, praying the incorporation of the town of Columbus; and also the remonstrance of Tiffin Davis and others, against said incorporation, reported, that it would be inexpedient to grant the prayer of the petitioners.

Which report was read, and concurred in by the house.

On motion of Mr. Wallace of J., it was

Ordered, That twelve hundred and seventeen additional copies of Mr. Levenworth's report, made

on the inst. be printed for the use of the members of this house.

Mr. Hall moved the following resolution, to wit:

Resolved, That a committee of ten members be appointed to examine into the state of the unfinished business before the house, with instructions to report what bills and other business are of the most important nature, and worthy of the earliest attention.

Mr. Brown moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Pennington, after having obtained leave, presented a bill respecting a revision of the constitution of this state:

Which was read the first and second times, the rules of the house having first been dispensed with;

When,

Mr. Beard moved to postpone the further consideration thereof, indefinitely;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Basset, Beard, Blake, Boon, Conner, Dixon, Dumont, Finley, Gardner, Hillis, Hoover, Hussey, Jackson of D., Jackson of S., Johnston of T., Jones, Kinnard, Leviston, Noble, Polke, Pollock, Rariden, Wallace of F., and Wallace of J.—25.

And those who voted in the negative, are,

Messrs. Bell, Bence, Brown, Casey, Coffin, Crume, Davis of A., Davis of S., Evans, Fite, Guion, Hall, Hamilton, Hendricks, Herod, Jack, Johnston of K., Ketcham, Kingsbury, Levenworth, Little, Logan, Long, Moyer, Pabody, Pennington, Read, Reiley, Slaughter, Smith, Stewart, and Smiley, Speaker—32.

And so said motion was decided in the negative.

Mr. Hoover then moved to lay said bill on the table.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Conner, Davis of A., Dumont, Evans, Finley, Fite, Gardner, Hollis, Hoover, Hussey, Jackson of D., Jackson of S., Johnston of T., Jones, Kinard, Leviston, Noble, Pollock, Rariden, Wallace of F., and Wallace of J.—25.

And those who voted in the negative, are,

Messrs. Bell, Bence, Boon, Brown, Casey, Coffin, Crume, Davis of S., Dixon, Guion, Hall, Herod, Hawk, Jack, Johnston of K., Ketcham, Kingsbury, Levenworth, Little, Logan, Long, Pabody, Pennington, Read, Reiley, Slaughter, Smith, Stewart and Smiley, Speaker—29.

And so said motion was decided in the negative.

Mr. Hillis then moved to commit said bill to a committee of the whole house for Monday next.

Which motion was carried in the affirmative.

Mr. Levenworth, after having obtained leave, presented a bill to establish a certain state road therein named:

Which was read the first and second times, the rules of the house having first been dispensed with,
When,

Mr. Little moved to amend the same, by striking out the word 'Levenworth,' and inserting in lieu thereof, the word 'Fredonia.'

Which motion was decided in the negative.

Said bill was then

Ordered To be engrossed, and read a third time on Monday next.

Mr. Stewart, after having obtained leave, presented a bill supplemental to an act, entitled An act to relocate the seat of justice of Dubois county:

Which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled an 'act,' and

that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Fite, after having obtained leave, presented a bill amendatory of the several laws now in force relative to replevin:

Which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Armstrong, after having obtained leave, presented a bill to exempt from imprisonment for debt, soldiers of the revolutionary war:

Which was read the first time, and passed to a second reading on Monday next.

The house then proceeded to consider the orders of the day:

The joint resolution on the subject of the unappropriated land in this state, was read the second time, and committed to a committee of the whole house for Monday next.

The engrossed bill from the senate, entitled An act declaratory of the law on the subject of divorces, was read the second time:

When,

Mr. Bassett moved to postpone the further consideration thereof indefinitely:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Dumont, Hall, Hamilton, Hendricks, Hillis, Hawk, Jack, Jackson of S., Johnston of K., Ketcham, Kinnard, Leviston, Logan, McNary, Noble, Pabody, Rariden, Read, Reiley, Smith, Stewart, Wallace of F. and Wallace of J — 25.

And those who voted in the negative, are,

Messrs. Bell, Bence, Blake, Boon, Brown, Casey, Coffin,

Donner, Crume, Davis of A., Davis of S., Dixon, Evans, Finley, Fite, Guion, Hoover, Hussey, Jackson of D., Johnston of T., Jones, Kingbury, Levenworth, Little, Long, Morrison, Moyer, Pennington, Polke, Pollock, Read, Slaughter, and Smiley, *Speaker*—33.

And so said motion was decided in the negative.

Mr. Brown moved to amend said bill, by striking out the whole of the first section, from the word 'granted,' to the tenth line, which reads in the words following, to wit:

'And in all cases where divorces have been granted, either by the order of any of the circuit courts in in this state, or by acts of the general assembly to one party concerned, the other party shall be considered released to all intents and purposes, as though the marriage contract had never been entered into.'

When, Mr. Boon moved to amend said section in the 11th line, by inserting after the word 'been,' these words, 'or hereafter may be.'

Mr. Read then moved to postpone the further consideration of said bill until the first Monday of December next.

Which motion was decided in the negative.

The question recurring on adopting the amendment proposed by Mr. Boon;

It was also decided in the negative.

The question recurring on the amendment proposed by Mr. Brown;

It was also decided in the negative.

Mr. Smith moved to amend said bill by adding the following, as an additional section:

'This act to be in force from and after its passage, until the first day of December next.'

And before the question was taken on the adoption of said amendment,

Mr. Wallace of J., moved to lay said bill and proposed amendment on the table.

Which motion was carried in the affirmative.

The bill for the relief of the subscribers for building the state prison, was read the second time: when, Mr. Beard moved to refer the same to the committee on claims.

Which motion was decided in the negative.

Mr. Kinnard moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Kinnard then moved to amend said bill, by striking out the words 'Indianapolis fund,' and inserting in lieu thereof, the words 'state treasury.'

And before the question was taken on said motion;

The house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Brown,

Resolved, That the house of representatives is now ready to meet the senate in the hall of the house, for the purpose of electing by joint ballot, the several judges of the circuit court, and prosecutors, to be elected at the present session of the general assembly; and that seats are provided for them on the right of the speaker's chair.

When,

The speaker appointed Mr. Brown teller, on the part of the house.

Ordered, That the clerk inform the senate thereof.

The following message was received from the senate by Mr. Test, their assistant secretary:

MR. SPEAKER:

I am instructed by the senate to inform the house, that the senate has adopted the following resolution, to wit:

Resolved, That the senate, according to an invitation, do now inform the house of representatives, that the senate is ready to proceed to the election

of circuit judges, and circuit prosecutors; and that James Gregory is appointed teller on the part of the senate.

The senate then came down from their chamber, and took their seats on the right of the speaker's chair, and the president of the senate on the right of the speaker.

The two houses then proceeded by joint ballot, to the election of a president judge, for the sixth judicial circuit;

And on counting the ballots, it appeared that
 Charles H. Test, received 42 votes for that office;
 Martin M. Ray, 35 votes;
 Scattering, 4 votes.

Charles H. Test having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected president judge of the sixth judicial circuit, within the state of Indiana, for the term of seven years from and after the 23d day of January, 1830.

The two houses then proceeded by joint ballot, to the election of a president judge for the seventh judicial circuit: and

On counting the ballots, it appeared that
 John Law received 55 votes for that office;
 Henry Hurst, 23 votes;
 Scattering, 4 votes.

John Law, having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected president judge of the seventh judicial circuit within the state of Indiana, for the term of seven years from and after the 23d day of January, 1830.

The two houses then proceeded by joint ballot, to the election of a prosecuting attorney, for the first judicial circuit;

And on counting the ballots, it appeared that Edward A. Hannegan received 55 votes for that office;

Albert S. White,	25 votes;
Scattering,	2 votes.

Edward A. Hannegan, having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the first judicial circuit, for the term of two years, from and after this day.

The two houses then proceeded by joint ballot to the election of a prosecuting attorney, for the third judicial circuit;

And on counting the ballots, it appeared that James F. D. Lanier received 50 votes for that office;

Merrit S. Craig,	27 votes;
Scattering,	5 votes.

James F. D. Lanier, having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the third judicial circuit, for the term of two years, from and after this day.

The two houses then proceeded by joint ballot, to the election of a prosecuting attorney for the sixth judicial circuit;

And on counting the ballots, it appeared that

James Perry received 47 votes for that office;	
Samuel C. Sample,	30 votes;
Scattering,	5 votes.

James Perry, having received a majority of the whole number of votes given, was, by the president of the senate, in the presence of both houses of the general assembly, declared duly elected prosecuting attorney for the sixth judicial circuit, for the term of two years, from and after this day.

The two houses then proceeded by joint ballot,

to the election of a prosecuting attorney, for the seventh judicial circuit;

And on counting the first ballot, it appeared that Elisha M. Huntington received 41 votes for that office; and

Cravin P. Hester, 41 votes.

Neither of whom having received a majority of the whole number of votes given, the two houses proceeded to a second balloting; and

On counting the second ballot, it appeared that Elisha M. Huntington received for that office 42 votes;

And Cravin P. Hester, 40 votes.

Elisha M. Huntington, having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the seventh judicial circuit, for the term of two years from and after this day.

The senate then retired to their chamber.

And the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, JANUARY 25, 1830.

The house met pursuant to adjournment.

Mr. Hendricks presented a petition of Samuel Meek and others, citizens of Decatur county, praying that the state road leading from Rushville to Lawrenceburgh, established at the last session of the general assembly, may be vacated:

Which was read, and

Ordered To lie on the table.

Mr. Jackson of D., presented a remonstrance of Alexander Spencer and others, citizens of Delaware county, against attaching any part of said county, to the county of Madison:

Which was read and referred to the same select committee to which sundry petitions on the same subject are referred.

Mr. Pabody asked leave to present the following joint resolution, viz:

A joint resolution concerning the commissioners of a certain state road therein named.

Resolved by the General Assembly of the state of Indiana,
That the commissioners named in the act, entitled An act to locate a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river; approved, January 12, 1830, be, and they are hereby authorised and required, when met agreeable to the provisions of said act, to proceed to examine the several state roads leading from Madison to Indianapolis, and the country adjacent to said roads, and to select, adopt, survey and mark such site, route and location for said Michigan road, between the points aforesaid, as to them shall appear most eligible and proper, in view of public convenience, facility, and cheapness of construction, and all other circumstances connected with the public good.

The said commissioners shall also examine the country between Indianapolis and the southern bend of the river St. Josephs, and shall select, survey and mark a new location for said road between the points last aforesaid, which new location shall be as near a direct line as the nature of the ground will admit. They shall make return of their proceedings in the premises to the next general assembly, during the first week of its session. And all other acts and proceedings of said commissioners not authorised and required by this resolution are hereby suspended for one year.

The question being put,

Will the house grant leave?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Conner, Evans, Fite, Hall, Hamilton, Herod, Howk, Hussey, Jackson of S., Ketcham, Kingsbury, Kinnard, Levenworth, Little, Logan, McNary, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Slaughter and Stewart--25.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Crume, Davis of A., Davis of S., Dixon, Dumont, Finley, Gardner, Guion, Hendricks, Hillis, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Leviston, Long, Noble, Pollock, Rariden, Read, Reiley, Smith, Wallace of F., Wallace of J. and Smiley, Speaker--33.

And so leave was not granted.

Mr. Johnston of K., after having obtained leave, presented a bill in aid of the several acts now in force in this state, relative to assessing and collecting the revenue:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to the same committee of the whole, to which the revenue bill is committed.

Mr. Brown, after having obtained leave, presented a bill relative to the state road from Rushville to Lawrenceburgh:

Which was read the first and second times, the rules of the house having first been dispensed with, and

Ordered To be engrossed, and read a third time to-morrow.

A message was received from the senate, by Mr. Dill, their secretary, announcing,

That the senate disagrees to the first amendment proposed by the house of representatives, to the engrossed bill of the senate, entitled An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana; but they concur in the second and third amendments.

They also refuse to concur in the amendment proposed by the house of representatives, to the engrossed bill of the senate, entitled An act to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state.

The house receded from their first amendment, proposed to the bill first named in said message.

On motion of Mr. Boon,

The house insist on their amendment to the last named bill in said message.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Dill, their secretary, announcing,

That the senate insist on their first and third amendments proposed to the engrossed bill of the house of representatives, entitled An act providing for the relocation of the county seat of Sullivan county; and which were disagreed to by this house; the senate has appointed Messrs. Linton and Sering a committee of free conference on the subject matter of disagreement between the two houses, relative to said bill, and request a similar committee on the part of the house of representatives.

And also, that the senate have elected Austin W. Morris, assistant secretary, vice, Charles H. Test resigned.

On motion of Mr. Boon,

The house insist on their disagreement to the amendment, proposed by the senate to the bill named in said message.

Whereupon,

Messrs. Boon and Reiley were appointed a committee of free conference on the part of this house.

Ordered, That the clerk inform the senate thereof.

Mr. Gardner, after having obtained leave, presented a bill providing for the taking a list of the taxable property and polls in Vermillion county, and for other purposes.

Which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Stewart, after having obtained leave, presented a bill to amend the act for the relief of the poor:

Which was read the first, second and third times, amended by consent, and passed, the rules of the house having first been dispensed with.

Ordered, That the same be entitled an 'act,' and that the clerk carry the same to the senate, and ask their concurrence therein.

On motion of Mr. Rariden,

The bill fixing the times of holding courts in the several judicial circuits in this state was taken up:

When,

Mr. Little moved to recommit said bill to the judiciary committee with instructions so to amend the same as to transfer the probate business to the circuit judge.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Bell, Casey, Coffin, Dixon, Evans, Fite, Guion, Hall, Herod, Hawk, Jack, Jackson of D., Johnston of T., Kingsbury, Levenworth, Leviston, Little, Long, Moyer, Noble, Pennington, Polke, Pollock, Slaughter, Stewart and Wallace of F.—28.

And those who voted in the negative, are,

Messrs. Bassett, Bence, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dumont, Finley, Gardner, Hamilton, Hendricks, Hillis, Hoover, Hussey, Jackson of S., Johnston of K., Jones, Ketcham, Kinnard, Logan, McNary, Morrison, Pabody, Parks, Rariden, Read, Reiley, Smith, Wallace of J and Smiley, Speaker—33.

And so said motion was decided in the negative.

Mr. Read then moved to recommit said bill to the judiciary committee, with instructions so to amend the same as to provide for two terms of the court in each year;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Boon, Davis of A., Dixon, Evans, Fite, Hall, Hamilton, Hendricks, Hussey, Jack, Jackson of D., Johnston of K., Ketcham, Kingsbury, Kinnard, Levenworth, Little, Logan, Morrison, Parks, Pennington, Pollock, Read, Reiley, Smith, and Stewart—31.

And those who voted in the negative, are,

Messrs. Blake, Brown, Casey, Conner, Crume, Davis of S., Dumont, Finley, Gardner, Guion, Herod, Hillis, Hoover, Hawk, Jackson of S., Johnston of T., Jones, Leviston, Long, McNary, Moyer, Noble, Pabody, Polke, Rariden, Slaughter, Wallace of F. Wallace of J. and Smiley, Speaker—30.

And so said motion was carried in the affirmative.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor, to inform the house of representatives, that he did, on this day, approve and sign the following bills, viz:

An act to incorporate the Hamilton, Rossville and Richmond turnpike company;

An act for the appropriation of money to aid in building a bridge over Plumb creek;

An act to establish a state road from Evansville to Anthony's ferry;

An act for the better support of the poor of Floyd county; and,

An act extending the corporation of Madison.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, of the following titles, to wit:

An act to incorporate the White Water and Miami turnpike company;

An act changing the mode of doing the county business in the county of Delaware, and for other purposes;

An act for the formation of a new county, east of Tippecanoe county;

An act for the formation of the counties of St. Joseph and Elk Hart; and

An act authorising the leasing of Jackson's lick, in Monroe county:

The two first mentioned bills without amendment; and the three last with amendments: in which several amendments, they request the concurrence of the house of representatives.

The amendments proposed by the senate, to the third and fourth bills in said message, were read and concurred in by the house.

The first amendment proposed by the senate to the last named bill, in said message, was read and disagreed to; and the second and third amendments to said bill, were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, of the following titles, to wit;

An act authorising the qualified voters of the dif-

ferent townships, in the county of Harrison, to elect their township officers;

An act legalizing the proceedings of the superintendent of a school section therein named;

An act to legalize the proceedings of the probate court of the county of Pike;

An act authorising asylums for the poor, in the counties of Washington and Dearborn;

An act to amend an act, entitled An act establishing a state road from Shelbyville, to intersect the Madison state road, in Jennings county; approved, January 19, 1828;

An act relative to Twin creek:

The five first named bills without amendment; the latter, with an amendment.

In which the concurrence of the house of representatives is requested.

The senate has also passed without amendment, joint resolutions from the house of representatives; of the following titles, to wit:

An engrossed joint resolution allowing compensation to Philip Hedges, for distributing the laws and journals; and

An engrossed memorial and joint resolution of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to lands within this state, and of removing the Indians beyond the Mississippi.

The senate has also passed engrossed bills, originating in the senate, of the following titles, to wit:

An act providing for the opening of a part of the Michigan road;

An act supplemental to an act, entitled An act providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes;

An act for the relief of Julius Johnson;

In which three last mentioned bills, the concurrence of the house of representatives is requested.

The amendment proposed by the senate to the sixth named bill in said message was concurred in by the house.

Ordered That the clerk inform the senate thereof.

The ninth and tenth bills in said message, were severally read the first and second times, the rules of the house having first been dispensed with, and

Ordered To lie on the table.

The last named bill in said message was read, the first and second times, the rules of the house having first been dispensed with, and passed to a third reading to-morrow.

Mr. Evans moved to reconsider the vote taken in the forenoon, recommitting the bill fixing the times of holding courts in the several judicial circuits in this state, and for other purposes, to the judiciary committee, with instructions to amend the same so as to provide for two terms in each year;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Blake, Brown, Casey, Coffin, Crume, Conner, Davis of S., Dumont, Evans, Finley, Gardner, Guion, Herod, Hillis, Hoover, Hawk, Jack, Jackson of S., Johnston of T., Jones, Leviston, Long, McNary, Morrison, Moyer, Noble, Pabody, Polke, Pollock, Rariden, Slaughter, Wallace of F., Wallace of J. and Smiley, Speaker—34

And those who voted in the negative, are,

Messrs. Armstrong, Basset, Beard, Bell, Bence, Boon, Davis of A., Dixon, Fite, Hamilton, Hendricks, Hussey, Jackson of D., Johnston of K., Ketcham, Kingsbury, Kionard, Levenworth, Little, Logan, Parks, Pennington, Read, Reiley, Smith and Stewart—26.

And so said vote was reconsidered.

The question recurring on recommitting said bill, as proposed by Mr. Read;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Bell, Bence, Boon, Davis of A., Dixon, Fite, Hamilton, Hendricks, Hussey, Jackson of D., Johnston of K., Ketcham, Kingsbury, Kinnard, Levenworth, Little, Logan, Parks, Pennington, Read, Reiley, Smith and Stewart—25.

And those who voted in the negative, are,

Messrs. Armstrong, Blake, Brown, Casey, Coffin, Conner, Crume, Davis of S., Dumont, Evans, Finley, Gardner, Guion, Herod, Hillis, Hoover, Howk, Jack, Jackson of S., Johnston of T., Jones, Leviston, Long, Morrison, Moyer, Noble, Pabody, Polke, Pollock, Rariden, Slaughter, Wallace of F., Wallace of J. and Smiley, *Speaker*—34.

And so said bill was not recommitted as afore-said.

Mr. Armstrong then moved to amend said bill, by striking out the whole of the third section, which reads in the words following, to wit:

‘The circuit courts to be holden in the third circuit, shall be held in the county of Jennings, on the third Mondays of February and June, and the second Mondays of September; in the county of Jefferson, on the fourth Mondays of February and June, and third Mondays of September; in the county of Switzerland, on the first Mondays of March and July, and the fourth Mondays of September; in the county of Dearborn, on the second Mondays of March and July, and first Mondays of October; in the county of Franklin, on the third Mondays of March and July, and first Mondays of October; in the county of Ripley, on the fourth Mondays of March and July, and the third Mondays of October; and in the county of Decatur, on the first Mondays of April, and the second Mondays of August, and fourth Mondays of October. The several circuit courts in the said judicial circuit,

shall severally sit six days, if the business thereof require it?

And inserting in lieu thereof, the following:

The courts in the third judicial circuit shall be holden on the days following:

In the county of Switzerland, on the third Mondays of February and June, and the second Mondays of September; in the county of Jefferson, on the fourth Mondays of February, and June and on the third Mondays of September; in the county of Jennings, on the first Mondays of March and July, and fourth Mondays of September; in the county of Ripley, on the second Mondays of March and July, and first Monday of October; in the county of Franklin, on the third Mondays of March and July, and second Mondays of October; in the county of Dearborn, on the fourth Mondays of March and July, and third Mondays of October; in the county of Decatur, on the first Mondays of April, the second Mondays of August, and fourth Mondays in October. And the several courts in each county in the third judicial circuit, shall sit six days if the business requires it.

Which motion was carried in the affirmative.

The said bill was then considered as engrossed, and read the third time:

And the question being put,

Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bell, Blake, Brown, Casey, Coffin, Conder, Crume, Davis of A., Davis of S., Dumont, Evans, Finley, Gardner, Guion, Herod, Hollis, Hoover, Hawk, Jack, Jackson of D., Jackson of S., Johnston of T., Jones, Leviston, Long, Morrison, Moyer, Noble, Pabody, Polke, Pollock, Rariden, Slaughter, Wallace of F., Wallace of J. and Smiley, Speaker—38.

And those who voted in the negative, are,

Messrs. Beard, Bence, Boon, Dixon, Fite, Hamilton, Hendricks, Hussey, Johnston of K., Ketcham, Kingsbury, Kinnard,

Levenworth, Little, Logan, Parks, Pennington, Read, Reiley, Smith, and Stewart—21.

And so said bill passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

The house then proceeded to consider the orders of the day;

The house resumed the consideration of the bill for the relief of the subscribers for building the state prison.

The question recurring on adopting the amendment proposed by Mr. Kinnard, when the bill was last under consideration, to wit: by striking out the words, 'fund arising from the sale of lots at Indianapolis,' and inserting in lieu thereof, 'state treasury.'

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Armstrong, Basset, Blake, Conner, Davis of S., Dixon, Finley, Gardner, Guion, Hoover, Kinnard, Levenworth and Pollock.—13.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Boon, Brown, Casey, Coffin, Crume, Davis of A., Dumont, Fite, Hamilton, Hendricks, Hollis, Howk, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Ketcham, Kingsbury, Leviston, Little, Logan, Long, McNary, Morrison, Moyer, Noble, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter, Smith, Stewart, Wallace of F. Wallace of J. and Smiley, *Speaker*—44.

And so said amendment was not adopted.

The said bill was then considered as engrossed, and read the third time; and

The question being put,

Shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Beard, Bell, Bence, Blake, Boon, Brown, Casey, Coffin, Davis of A., Dumont, Fite, Hamilton, Hawk, Jack, Jackson of S., Johnston of K., Johnston of T., Jones, Kingsbury, Levenworth, Little, Logan, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter, Stewart and Wallace of J.—33.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Conner, Crume, Davis of S., Dixon, Finley, Gardner, Guion, Hendricks, Hillis, Hoover, Jackson of D., Ketcham, Kinnard, Leviston, Long, McNary, Noble, Pollock, Smith, Wallace of F. and Smiley, *Speaker*—22.

And so said bill passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

The bill to exempt from imprisonment from debt, soldiers of the revolutionary war, was read the second time: when,

Mr. Gardner moved to amend said bill, so as to exempt all persons over the age of fifty-five years from imprisonment for debt.

Which motion was carried in the affirmative.

The said bill was then considered as engrossed, and read the third time: when,

Mr. Beard moved to lay the same on the table.

Which motion was decided in the negative.

The question being then put,

Shall said bill pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bence, Brown, Casey, Conner, Davis of S., Finley, Gardner, Guion, Hillis, Hoover, Jackson of D., Jackson of S., Johnston of T., Ketcham, Kinnard, Levenworth, Long, McNary, Pabody, Pollock, Read, Reiley, Smith, Stewart, Wallace of F. and Wallace of J.—28.

And those who voted in the negative, are,

Messrs Beard, Bell, Blake, Boon, Coffin, Davis of A., Dixon, Dumont, Fite, Hamilton, Hendricks, Herod, Hawk, Jack, Johnston of K., Jones, Kingsbury, Leviston, Little, Logan, Morrison, Moyer, Noble, Parks, Polke, Slaughter and Smiley, Speaker—27.

And so said bill passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Wallace of J.,

The title of said bill was amended, by adding these words: 'and all persons over the age of fifty-five years.'

The engrossed joint resolution requesting aid of congress to establish a hospital for the use of sick watermen, was read the third time: when,

Mr. Levenworth moved to recommit the said joint resolution to a select committee, with instructions to amend the same, by striking out 'Jeffersonville,' and inserting in lieu thereof, 'Mount Vernon.'

Which motion was decided in the negative.

The question being then put,
Shall said joint resolution pass?

It was carried in the affirmative.

Ordered, That the clerk inform the senate thereof, and ask their concurrence therein.

The engrossed bill authorising a certain lease therein named;

The engrossed bill to establish a certain state road therein named;

The engrossed bill to relocate a part of the state road from Rockport to Bloomington;

The engrossed bill to amend an act entitled An act for the assignment of dower;

The engrossed bill for the benefit of the inhabitants of a certain township therein named; and

The engrossed bill to amend an act, entitled

An act relative to crimes and punishments; approved, January 20, 1824;

Were severally read the third time, and passed.

Ordered, That the same be entitled 'acts,' and that the clerk carry them to the senate, and ask their concurrence therein.

On motion of Mr. Hamilton,

The further consideration of the engrossed bill for the formation of the county of Highland, was postponed indefinitely.

On motion of Mr. Logan,

The several orders of the day which precede the bill respecting free negroes, servants and slaves, were, for the present, postponed.

The house resolved itself into a committee of the whole on the above bill; and

After some time spent therein,

The speaker resumed the chair; and

Mr. Jack reported said bill with sundry amendments:

Which were read and concurred in by the house.

Mr. Hoover then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Boon, Dumont, Finley, Hendricks, Hoover, Hussey, Jones, Levenworth and Pabody—11.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Blake, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dixon, Evans, Fite, Gardner, Guion, Hamilton, Herod, Hillis, Hawk, Jack, Jackson of D., Jackson of S., Johnston of K., Ketcham, Kingsbury, Kinnard, Leviston, Little, Logan, Long, McNary, Morrison, Moyer, Noble, Parks, Pennington, Polke, Pollock, Read, Reiley, Slaughter, Smith, Stewart, Wallace of F., Wallace of J. and Smiley:
Speaker—46.

And so said motion was decided in the negative.
Said bill was then

Ordered To be engrossed, and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, JANUARY 26, 1830.

The house met pursuant to adjournment.

Mr. Bence asked leave to change his vote of yesterday, on the passage of the bill to exempt from imprisonment for debt, soldiers of the revolutionary war, and all persons over the age of fifty five years.

Which leave was not granted as it would change the result on the passage of said bill.

Mr. Hillis made the following report:

The committee on elections, to whom was referred a resolution of the house, instructing them to enquire into the expediency of members of the general assembly of this state being permitted to hold offices or appointments emanating from the legislature of this state, or holding offices or appointments under the general government of the United States; while in the first instance, they are permitted to supervise and decide upon their own official acts; and in the second view, whether it be consistent with the policy of our government, that any person be both the officer of the state of Indiana, and of the United States, at the same time, have had the same under consideration, and beg leave to report,

That they have bestowed on the subjects embraced in the resolution that attention, which their importance demanded. These subjects are unquestionably, deeply interesting in their character, and afford an ample field for investigation. They are intimately connected with the principles of civil

liberty, and have a direct bearing on the purity and permanency of our republican institutions. A brief review of the subject, however, is all that the time of your committee will permit them to take.

On the first branch of the enquiry, proposed by the resolution, your committee presume there can be but little difference of opinion. The impolicy of permitting members of the general assembly to hold offices or appointments under the state government, and afterwards to supervise their own acts, and decide upon their correctness or incorrectness, must be obvious to all. To render officers in any other department of the government the supervisors or ultimate arbiters of their own official conduct, would be equally impolitic. Hence the necessity of a proper distribution of power, or a system of checks and balances; and hence again, the beautiful and salutary division of power, which we have adopted, of the executive, the legislative and the judicial.

On the second branch of the enquiry proposed, your committee also think there can be but little, if any difference of opinion, or at least little room for it. The reasons may not be so plain and palpable, but are equally sure and incontrovertible. If your committee are correct in the view they have taken above, of the relation, the proper and politic relation between the state and national governments, if the framers of those several governments acted wisely in establishing such a relation, then surely, the junction of office, referred to in the second branch of the enquiry, is highly impolitic.

Its permission is a departure from the principle on which that relation is founded; is an approach towards the destruction of that symmetry which constitutes the chief beauty of our federative union. There is another, and perhaps, a stronger reason: There may, in particular cases, be a conflict of interest between the state and the national government. In such case, the officer who is bound

to both cannot be true to both: he cannot serve two masters: he must be false to one, or false to both. Officers should be placed in such a situation as to be above suspicion. It remains now to enquire, whether legislation on the subject is necessary at this time, or whether the existing regulations are sufficient.

The constitution of Indiana, (art. 3. sec. 4 and 7.) points out the qualifications of the representatives and senators, who are to compose the general assembly of the state. The 20th section of the same article, is in these words:

“No person holding any office under the authority of the president of the United States, or of this state, militia officers excepted, shall be eligible to a seat in either branch of the general assembly, unless he resigns his office previous to his election; nor shall any member of the general assembly, during the time for which he is elected, be eligible to any office, the appointment of which is vested in the general assembly.”

This is perhaps the only clause in the constitution which bears directly on the point in consideration. There are some other clauses; but they relate to the collectors or holders of public money, persons convicted of bribery, infamous crimes, &c. In art. 11, sec. 13, it is provided, that, “No person shall hold more than one lucrative office at the same time, except as in this constitution expressly permitted.” The 8th sec. of art. 3, makes each branch of the assembly “judges of the qualifications and elections of its own members.” The court of the United States has no provisions bearing directly on the point in question, but has some provisions founded on similar principles, and in accordance with the sentiments advanced by your committee’s introductory remarks. Officers are bound by oath to support both these constitutions. These constitutional provisions, whilst they sustain

your committee in the positions they have assumed, go to shew that ample provision is already made for the cases contemplated by the resolution. The general assembly have it now in their power to apply the corrective when the contingency happens. It is for them to determine when it does happen. They are to decide on the eligibility of their members. Whatever may be their opinion on matters of expediency, they cannot extend disqualifications to cases not provided for by the constitution. The rights and privileges, qualifications and disqualifications, of candidates for office, are there distinctly marked out. If, therefore, the resolution contemplated an interposition of the legislation of this house, your committee would respectfully suggest, that it contemplated a matter, not only unnecessary, but not within the legislative province of the house. If it was intended to operate on particular cases, it should have named them. The absence of specifications warrants the inference, that none such exists, or were unknown to the mover. Your committee know of none such. It could not have been the object of the resolution to constitute an inquisitorial tribunal, to go in search of cases for animadversion. Your committee, therefore, whilst they fully concur as to the inexpediency of tolerating the existence of the cases contemplated by the resolution, are also of the opinion, that the cases are now sufficiently provided for, and that further legislation on the subject is unnecessary. They, therefore, submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject referred to them.

Which report was read, and concurred in by the house.

Mr. Kingsbury, from the committee on the judiciary, to which was referred the bill for the better

regulating of officers and offices, reported said bill with one amendment:

Which was read and concurred in by the house.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

Mr. Howk, from the select committee to which was referred the bill to establish a state road from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of the drift-wood fork of White river, reported the same without amendment.

The said bill was then

Ordered To be engrossed, and read a third time to-morrow.

On motion of Mr. Read,

Resolved, That this house will, during the remainder of the present session, meet at 7 o'clock, P. M. and sit until 9 o'clock.

On motion of Mr. Howk,

Resolved, That the clerk of this house be directed to employ some fit person to assist in the enrolling, during the balance of the session.

On motion of Mr. Long,

The resolution offered by Mr. Boon, on the 18th instant, and laid upon the table, on the subject of adjournment, was taken up; and

The question recurring on the amendment proposed by Mr. Ketcham, when the resolution was last under consideration, which amendment was, by adding at the end of said resolution, the following: 'Provided that the house shall, by that time, have gotten through with the business.'

It was carried in the affirmative.

Mr. Brown then moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Morrison, from the joint committee on enrolled bills, reported—

That they have compared the enrolled with the engrossed bill, entitled

An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana;

And find the same truly enrolled.

When,

The speaker signed said bill.

Ordered, That the clerk carry it to the senate for the signature of their president.

Mr. Hoover, after having obtained leave, presented a joint resolution relative to the duties on imported salt:

Which was read the first and second times, the rules of the house having first been dispensed with,

When,

Mr. Johnston of K., moved to postpone the further consideration thereof, indefinitely.

Mr. Smith moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Kinnard, after having obtained leave, presented a bill supplementary to the act entitled, An act for the relief of the subscribers for building the state prison, and for other purposes:

Which was read the first time; when,

Mr. Howk moved to reject said bill.

Which motion was carried in the affirmative.

Mr. Conner, after having obtained leave, presented a bill to attach certain territory to the county of Hamilton:

Which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry the same to the senate, and ask their concurrence therein.

Mr. Johnston of T., after having obtained leave, pre-

presented a bill, supplementary to an act, organizing the county of Clinton:

Which was read the first, second and third times, the rules of the house having first been dispensed with, considered as engrossed, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, of the following titles, to wit:

An act authorising the leasing of the French Lick reserve, in Orange county;

An act to legalize the proceedings of the school commissioners of Madison county.

The senate has passed an engrossed bill originating in the senate, entitled An act to authorise the building of bridges across Lick creek and Salt creek.

In which last mentioned bill, I am directed to ask the concurrence of the house of representatives.

The last named bill in said message, was read the first and second times, the rules of the house having first been dispensed with; when,

Mr. Ketcham moved to amend the same, by adding thereto the following proviso:

'Provided that said bridge over Salt creek, be built high enough for Orlean boats to pass under it.'

Which motion was carried in the affirmative.

The said amendment was then considered as engrossed, the bill read the third time, and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

The engrossed bill from the senate, entitled An act supplemental to an act providing for the location, opening and improvement of certain state

roads, passed at the present session of the general assembly, and for other purposes, was taken up;

When,

Mr. Long moved to amend said bill, by striking out the whole of the ninth section, which reads as follows, to wit:

‘That Joseph Nichols, of Rushville, be, and he is hereby appointed commissioner, on that part of the state road leading from Indianapolis to Brookville, as lies between Big Blue river and Rushville; and the agent of the three per cent. fund is hereby authorised to pay over to said commissioner, three hundred dollars of the sum appropriated on that road, by an act to which this is a supplement.’

Which motion was carried in the affirmative.

Mr. Conner moved further to amend said bill, by striking out the whole of the tenth section, which reads in the words following, to wit:

‘That Richard Johnston of Tippecanoe county, be, and he is hereby appointed commissioner on the state road from Indianapolis to Lafayette; and so soon as he shall have entered and qualified as is required of commissioners in the act to which this is an amendment, shall proceed to discharge all the duties required of the former commissioner, and shall receive and lay out on said road, all monies appropriated to the same. And it is hereby made the duty of the former commissioner, as well as the agent of the three per cent. fund, to pay over to said last appointed commissioner, all monies remaining in their hands, by virtue of their offices, on account of appropriations made to said road.’

Which motion was carried in the affirmative.

Mr. Johnston of T., moved to amend said bill, by inserting the following in lieu of the tenth section, viz:

‘That Joseph Hill, of Clinton county, be appointed commissioner on so much of the state road from Lafayette to Indianapolis, as lies between La-

ayette and Sugar creek, and that he shall be authorised to draw and expend the proportionate part of the money appropriated for opening said road, after giving bond, and being duly qualified.'

Which motion was carried in the affirmative.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Morrison from the committee for enrolled bills, reported

That they have compared the enrolled with the engrossed bills, entitled,

An act to establish a state road therein named;

An act to incorporate the town of Jeffersonville, in the county of Clark;

An act to locate a state road from Troy, in Perry county, to Washington in Daviess county;

An act to authorise the board of Justices of Pike county, to levy an additional tax in said county;

An act making general appropriations for the year 1830;

An act to establish a state road from Martinsville, by way of Lyon's mill and Mooresville, leading north to the Michigan road;

An act to vacate a certain state road therein named, and for other purposes;

An act supplemental to an act declaring Mississinewa a public highway;

An act making provisions for expending the Mauk's ferry road fund, and for other purposes.

Also,

A joint resolution relative to the Indiana college;

A joint resolution of the state of Indiana on the subject of colonizing the people of color;

A joint resolution authorising the auditor of pub-

lie accounts to procure a list of relinquished lands from the land offices therein named;

A joint resolution relative to a certain act of the commonwealth of Virginia;

And.

An act to amend an act, entitled An act for the relief of occupying claimants of land;

And find the same truly enrolled.

When the speaker signed said bills, &c.

Ordered, That the clerk carry them to the senate for the signature of their president.

The house resumed the consideration of the supplemental bill on the subject of opening and improvement of certain state roads, which was undisposed of when the house adjourned; when,

Mr. Beard moved further to amend said bill, by striking out the whole of the seventh section, which reads in the following words, to wit:

‘That Jordan Wright, of Marion county, be, and he is hereby appointed commissioner for all that part of the state road leading from Indianapolis to Crawfordsville, that lies between Indianapolis and the eastern line of Montgomery county; and that, after giving bond as directed by law, shall be authorised to draw the proper amount of money which may be proportionably due thereon, after defraying the expenses in extending the location of said road, at the present session of this legislature.

Which motion was decided in the negative.

Mr. Crume moved further to amend said bill, by adding to the fifth section, the following words, viz:

‘And all monies by them paid to clerks of the circuit courts for recording the plats of said roads; and also to editors of papers for publishing proposals for the reception of contracts; and also persons employed by them as clerks on the days of sale.’

Mr. Johnston of K., moved to amend said amendment, by striking out the words, 'and also persons employed as clerks on the days of sale.'

Which motion was decided in the negative.

The question recurring on adopting the amendment proposed by Mr. Crume;

It was carried in the affirmative.

The said amendments were then considered as engrossed, the bill read the third time, and passed; Mr. Brown voting in the negative.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendments.

Mr. Brown, from the joint committee for enrolled bills, reported,

That they did on this day, present to the governor for his approval and signature, the following enrolled bill, entitled an act, to wit:

An act providing means to construct the portion of the Wabash and Erie canal, within the state of Indiana.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, of the following titles, to wit;

An act providing for taking a list of the taxable property and polls, in Vermillion county, and for other purposes; and

An act fixing the times of holding the circuit courts in the several judicial circuits, and for other purposes:

The first mentioned bill without amendment; the last with one amendment; in which the concurrence of the house of representatives is requested.

Mr. Hawk moved to lay the last named bill in said message on the table.

Which motion was decided in the negative.

Mr. Dumont then moved that the house disagree to the amendment proposed by the senate to said bill;

(which amendment provides for two instead of three terms in each year.)

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Brown, Casey, Coffin, Crume, Davis of S., Dumont, Evans, Finley, Gardner, Guion, Hendricks, Herod, Hillis, Hoover, Howk, Jackson of S. Johnston of T., Jones, Leviston, Long, Moyer, Noble, Pabody, Polke, Pollock, Rariden, Slaughter, Wallace of F., Wallace of J. and Smiley, Speaker—32.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Bence, Blake, Boon, Conner, Davis of A., Dixon, Fite, Hall, Hamilton, Hussey, Jack, Jackson of D., Johnston of K., Ketcham, Kingsbury, Kinnard, Levenworth, Little, Logan, McNary, Parks, Pennington, Read, Reiley, Smith and Stewart—23.

And so said motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Bassett,

The engrossed bill from the senate, entitled An act providing for the opening of a part of the Michigan road, was taken up;

When,

Mr. Pennington moved to postpone the further consideration thereof, until the first Monday in December next:

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Casey, Coffin, Crume, Fite, Hamilton, Howk, Jackson of S., Ketcham, Kingsbury, Levenworth, Logan, Morrison, Moyer, Pabody, Parks, Pennington, Polke, and Slaughter—20.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Davis of A., Davis of S., Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hendricks, Hillis, Hoover, Hussey, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinnard, Leviston, Long, McNary, Noble, Pollock, Rariden,* Reiley, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker—38.

And so said bill was not postponed.

Mr. Bassett then moved to amend said bill in the 4th section and 11th line, after the words 'of the,' by striking out these words, 'Wabash and Erie canal lands;' and in the 14th line, after the word 'of,' by striking out the words, 'either Wabash and Erie canal lands or;' and also by striking out the whole of the 5th section, which reads in the words following:

'That the total amounts of said certificates, which may be taken in as cash, in the payment of said canal lands, or shall be paid off, and taken with monies arising from the sale of said canal lands, shall be immediately reimbursed, and paid to the said canal fund, out of the first monies arising from the sale of the said Michigan road lands.'

Which motion was carried in the affirmative.

Mr. Levenworth moved further to amend said bill, by adding at the end of the 4th section, these words, 'and shall be received in payment of taxes due the state.'

Which motion was decided in the negative.

Mr. Rariden moved further to amend said bill in the first section, by striking out the figures '1830,' and inserting in lieu thereof, '1831.'

Which motion was carried in the affirmative.

Mr. Levenworth moved further to amend said bill in the first section thereof, by striking out the words, 'one hundred,' (the width of said road,) and inserting in lieu thereof, the word 'fifty.'

Which motion was decided in the negative.

Mr. Conner moved further to amend said bill, in the 1st section thereof, by striking out the words 'Wabash river,' and inserting in lieu thereof, the word 'Indianapolis.'

Which motion was also decided in the negative.

Mr. Evans moved to amend said bill, by adding thereto, the following as an additional section:

"That it shall be the duty of the commissioners, when they meet for the purpose of marking out and locating that part of said road from Indianapolis to the Ohio river, to examine the ground on the following routes, to wit: From Greensburgh to Aurora, in Dearborn county; from Indianapolis by Columbus, to Madison, in Jefferson county; from Columbus to the Ohio river, at or near the falls; from Indianapolis to Martinsville, Bloomington, to Leavenworth, in Crawford county; and from Bloomington to Washington, Petersburg and Princeton, to Evansville, in Vanderburgh county. And after having examined the several routes aforesaid, or so many thereof as they may, in their discretion, think proper, the said commissioners shall then locate and establish said road on such route as they may consider will best subserve the interest of the state, and then proceed in all other respects as is provided for in the preceding sections of this act."

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs Bell, Bence, Casey, Coffin, Evans, Fite, Hamilton, Herod, Hawk, Jackson of S., Ketcham, Kingsbury, Levenworth, Little, Logan, Morrison, Moyer, Pabody, Parks, Pennington, Polke, Read, Slaughter and Stewart--24.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Finley, Gardner, Guion, Hall, Hendricks, Hillis, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Kinard, Leviston, Long, Noble, Pollock, Rariden, Reiley, Smith, Wallace of F., Wallace of J. and Smiley, Speaker--35.

And so said amendment was not adopted.

Mr. Randen moved further to amend said bill in the first section, by striking out the words, 'Robert Branham, of Jefferson.'

Which motion was carried in the affirmative.

Mr. Reiley then moved to fill the blank with the words, 'Noah Noble, of Marion.'

Which motion was also carried in the affirmative.

Mr. Randen moved further to amend said bill in the seventh section, by striking out the word 'Jefferson,' and inserting in lieu thereof, the word 'Marion.'

Which motion was also carried in the affirmative.

The said amendments were then considered as engrossed, and the bill read the third time:

When,

The question was put,

Shall said bill as amended, pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Brown, Conner, Crume, Davis of A, Davis of S, Dixon, Dumont, Evans, Finley, Gardner, Guion, Hall, Hendricks, Hullis, Hoover, Jack, Jackson of D, Jackson of S, Johnston of K, Johnston of T, Jones, Kinnard, Leviston, Long, Noble, P. Lock, Randen, Read, Reiley, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker—39.

And those who voted in the negative, are,

Messrs. Bell, Bence, Casey, Coffin, Fite, Hamilton, Herod, Hawk, Ketcham, Kingsbury, Levenworth, Little, Logan, Morrison, Moyer, Pabody, Parks, Pennington, Polke, and Slaught-ter—20.

And so said bill passed.

Ordered, That the clerk inform the senate thereof, and request their concurrence in said amendments.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate insist on their amendment proposed to the bill of the house, entitled

An act fixing the times of holding courts in the several judicial circuits, and for other purposes;

And have appointed Messrs. Graham and Gregory a committee of free conference, to act with a similar committee, to be appointed on the part of the house, to take into consideration the disagreeing votes of the two houses on said bill.

Mr. Read moved that this house recede from their disagreement to the first amendment proposed by the senate to said bill, (which amendment was providing for two terms in each year, instead of three) and that the house agree to said amendment with the following amendment, viz:

That the courts in the third judicial circuit be holden on the days and times following: In the county of Switzerland, on the third Monday of February and second Monday of August; in the county of Jefferson, on the fourth Monday of February and third Monday of August; in the county of Jennings, on the second Mondays of March and September; in the county of Ripley, on the third Mondays of March and September; in the county of Decatur, on the fourth Mondays of March and September; in the county of Franklin, on the first Mondays of April and October; in the county of Dearborn, on the third Mondays of April and October. The courts in the counties of Jefferson, Dearborn and Franklin to sit twelve days, if the business should require it; and in the counties of Switzerland, Jennings, Ripley and Decatur, six days, if the business requires it.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bence, Blake, Boon, Conner, Davis of A., Dixon, Fite, Hall, Hamilton, Hendricks,

Hussey, Jackson of D., Johnston of K., Ketcham, Kingsbury, Kiunard, Levenworth, Little, Logan, McNary, Morrison, Parks, Pennington, Read, Reiley and Stewart—29.

And those who voted in the negative, are,

Messrs. Bell, Brown, Casey, Coffin, Crume, Davis of S., Dumont, Finley, Gardner, Guion, Herod, Hillis, Hoover, Hawk, Jackson of S., Johnston of T., Jones, Leviston, Long, Moyer, Noble, Pabody, Polke, Pollock, Rariden, Slaughter, Smith, Wallace of F., Wallace of J. and Smiley, *Speaker*—30.

And so said motion was decided in the negative.

Mr. Hawk then moved that the house insist on their disagreement to the amendment proposed by the senate, to the bill named in said message, and that a committee of free conference be appointed on the part of this house, to act with the committee appointed on the part of the senate, to take into consideration the disagreeing votes of the two houses, on said bill.

Which motion was carried in the affirmative.

Whereupon,

Messrs. Wallace of F. and Hawk, were appointed said committee.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed an engrossed bill from the house of representatives, entitled

An act for the improvement of the Wabash river, from Vincennes to the mouth of White river;

With amendments.

The senate has passed a joint resolution, originating in the senate, providing for the erection of a grave or tomb stone over the late D. C. Lane, deceased.

In which amendments and joint resolution, the concurrence of the house is requested.

The several amendments proposed by the senate to the bill named in said message, were read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

The joint resolution named in said message, was read the first and second times, the rules of the house having first been dispensed with; when

Mr. Boon moved to postpone the further consideration thereof, until the first Monday in December next.

Which motion was decided in the negative.

The said joint resolution was then read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The house then proceeded to consider the orders of the day:

The engrossed bill from the senate, entitled An act for the relief of Julius Johnston, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill relative to the state road from Rushville to Lawrenceburgh, was read the third time and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill respecting free negroes, mulattoes, servants and slaves, was read the third time; when,

The question was put,

Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Blake, Casey, Coffin, Conner, Davis of A., Davis of S., Dixon, Evans, Fite, Gardner, Hall, Hamilton, Hillis, Hawk, Jack, Jackson of D., Jackson of S., Johnston of K., Ketcham, Kingsbury, Kinnard, Leviston, Little, Logan, Long, McNary, Morrison, Moyer, Noble, Parks, Pennington, Polke, Pollock, Read, Slaughter, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, *Speaker*--42.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Boon, Brown, Crume, Dumont, Finley, Guion, Hendricks, Hoover, Hussey, Jones, Levenworth, Pabody, and Rariden—12.

And so said bill passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Parks,

The vote taken on the adoption of the resolution offered by Mr. Read, on the subject of holding night sessions, was reconsidered.

The question recurring on the adoption of said resolution, which reads in the words following:

Resolved, That this house will, during the remainder of the session, meet at 7 o'clock, P. M. and sit until 9.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bence, Boon, Casey, Coffin, Conner, Dixon, Dumont, Hall, Hamilton, Hillis, Jack, Jackson of D., Jackson of S., Jones, Kinnard, Leviston, Little, Logan, Pabody, Polke, Read and Stewart—23.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Bell, Blake, Brown, Crume, Davis of A., Davis of S., Evans, Finley, Fite, Gardner, Guion, Hendricks, Hoover, Howk, Hussey, Johnston of K., Johnston of T., Kingsbury, Levenworth, Morrison, Moyer, Noble, Parks, Pennington, Pollock, Reiley, Slaughter, Smith, Wallace of F., Wallace of J. and Smiley, Speaker—33.

And so said resolution was not adopted.

On motion of Mr. Howk,

The committee of the whole house, to which was committed the engrossed bill from the senate, entitled An act to amend an act subjecting real and personal estate to execution; approved, January

30. 1824; was discharged from the further consideration thereof.

The said bill was then read a third time, and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Hall,

The committee of the whole house, to which was committed the bill to amend the act authorising writs of domestic attachment to regulate the proceedings thereon; approved, January 2, 1824, was discharged from the further consideration thereof.

The said bill was then considered as engrossed, read a third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed an engrossed bill from the house of representatives, of the following title, to wit:

An act to open a state road from Raccoon ford, in Parke county, to Lafayette in Tippecanoe county;

With sundry amendments.

The senate has passed engrossed bills of the following titles, to wit:

An act giving further powers to the president and select council of the town of Lawrenceburgh;

An act providing for a state road from Noblesville to Logansport, and from Indianapolis by Pendleton, to Anderson town;

An act authorising the sale of one of the reserved sections of land in the reserved township of land, in Monroe county:

In which amendments and engrossed bills, the concurrence of the house of representatives is requested.

The amendments proposed by the senate to the

first named bill of this house, in said message, were read and agreed to with an amendment.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

The two engrossed bills from the senate, last mentioned in the foregoing message, were severally read the first, second and third times, the rules of the house having first been dispensed with, and passed, each with an amendment.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendments.

The engrossed bill from the senate, giving further powers to the president and select council of the town of Lawrenceburgh, was read the first, second and third times, and passed.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, JANUARY 27, 1830.

The house met pursuant to adjournment.

Mr. Read presented a petition of Julius Johnston, and others, citizens of Martin county, praying a continuation of the road leading from Reader's ferry, on White river, to Mount Pleasant, so as to intersect the Rockport and Bloomington road:

Which was read and referred to a select committee of Messrs. Read, Polke and Stewart.

Mr. Evans presented a petition of Levi Price, administrator of William Cully, deceased, of Vanderburgh county, praying that the sheriff of said county, may be authorised to convey a certain lot in the town of Evansville, to said Price, as such administrator, the said lot having been purchased for taxes by the said Cully, the certificate of which is lost:

Which was read; when,

Mr. Evans moved to refer the same to a select committee.

Which motion was decided in the negative.

Mr. Evans then had leave to withdraw said petition.

Mr. Levenworth presented a claim of Harvey Gregg, for certain services.

Which was read and referred to the committee on claims.

Mr. Evans presented a remonstrance of sundry citizens of Union township, in the county of Vanderburgh, against the location of the state road from Evansville to Anthony's ferry:

Which was read, and

Ordered To lie on the table.

Mr. Smith presented a petition of Israel Holman, Samuel Gookins and Henry Hamilton, the board of commissioners of the county of Ripley, praying authority to levy a poll tax, for the purpose of paying the debts due by said county, to individuals:

Which was read, and

Ordered To lie on the table.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills of the following titles, to wit:

An act to amend an act relative to navigable streams declared public highways, by the ordinance of congress of 1787; approved, January 23, 1829;

And,

An act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes, in Knox county:

In which they ask the concurrence of the house.

The senate recede from their disagreement to the amendment proposed by the house of representatives, to the engrossed bill from senate, entitled

An act to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years, in this state, and concur in said amendment, with an amendment:

In which amendment to that of the house, the concurrence of the house of representatives is requested.

The first named bill in said message was read the first and second times, the rules of the house having first been dispensed with:

When,

Mr. Boon moved to postpone the further consideration thereof, indefinitely:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Bell, Boon, Brown, Casey, Crume, Dixon, Finley, Hamilton, Herod, Hoover, Jackson of S., Johnston of K., Johnston of T. Ketcham, Levenworth, Leviston, Little, Logan, Moyer, Parks, Smith, and Wallace of J.—22.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Coffin, Conner, Davis of A., Davis of S., Dumont, Gardner, Guion, Hall, Hendricks, Hillis, Hawk, Hursey, Jack, Jackson of D., Jones, Kingsbury, Kinnard, Long, McNary, Noble, Pabody, Pennington, Polke, Pollock, Rariden, Read, Reiley, Slaughter, Stewart, Wallace of F. and Smiley, *Speaker*—35.

And so said motion was decided in the negative.

Mr. Hawk then moved to amend said bill, so as to provide for the repeal of said act.

Which motion was carried in the affirmative.

The said bill was then read the third time, and passed; when,

The title was amended, by striking out the word 'amend,' and inserting in lieu thereof, the word 'repeal.'

Ordered, That the clerk inform the senate, and ask their concurrence in said amendment.

The second named bill in said message, was read the first and second times, the rules of the house having first been dispensed with; and,

On motion of Mr. Reiley,

It was referred to a select committee.

Ordered, That Messrs. Reiley, Bence, Read, Coffin and Moyer, be said committee.

The house concurred in the amendment proposed by the senate to the amendment proposed by the house to the bill last named in said message.

Mr. Pegnington made the following report:

The committee on roads, to whom was referred a petition, praying the removal from office of Simon Slawson, a road commissioner, on road No. 16, beg leave to report,

That they have had the subject under consideration, and that the number and respectability of the petitioners would seem to entitle it to a serious investigation. Yet they must remark, that the petition does not affirm charges against Mr. Slawson, in a very positive manner; but its language is, "We either know of our own knowledge, or have been credibly informed;" and, "If one of the contractors, with whom I conversed, told me the truth." It is the opinion of your committee, that a removal from office should require more certain charges, supported by oath; which is not the case in this instance. Your committee are further of opinion, that Mr. Slawson is liable on his bond, for any neglect or violation of duty: that if suits be brought against him, he would have an opportunity of defending himself. That it would be unadvisable for the legislature to remove any officer without giving him and his accusers both a hearing, which at this late period of the session is impracticable.

They therefore pray to be discharged from the further consideration of the subject.

Which report was read, and concurred in by the house.

Ordered, That said committee be discharged from the further consideration of said subject.

A message was received from the senate, by **Mr Morris**, their assistant secretary, announcing.

That the senate agree to all the amendments made by the house, to the engrossed bills from the senate, of the following titles, to wit:

An act providing for a state road from Noblesville to Logansport, and also from Indianapolis, by Pendleton, to Andersonstown;

An act providing for opening of a part of the Michigan road; and

An act authorising the sale of one of the reserved sections of land, in the reserved township of land, in Monroe county.

The senate also agree to the second amendment proposed by the house to the engrossed bill from the senate, entitled An act supplemental to an act entitled an act providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes. But disagree to the first and third amendments to said bill.

The senate has passed an engrossed bill from the house of representatives, entitled

An act to amend an act regulating estrays and water crafts going adrift;

With an amendment.

In which amendment the concurrence of the house is requested.

On motion of **Mr. Brown**,

The house receded from their first amendment to the fourth bill in said message.

On motion of **Mr. Crume**,

The house insist on their third amendment to said bill.

The house then concurred in the amendment proposed by the senate to the last named bill in said message.

Ordered. That the clerk inform the senate thereof.

Mr. Howk, from the select committee, to which was referred the bill declaring Silver creek a public highway, from its mouth to Preston's fork of said creek, report the same without amendment.

The said bill was then

Ordered To lie on the table.

Mr. Long made the following report:

The select committee, to which was referred the petition of Allen Makepeace and others, citizens of Madison and Delaware counties, praying to have the eastern line of Madison county extended one mile east, and also the remonstrance of Uriah Powers and others, citizens of said county, against the prayer of said petitioners, report,

That they have had the same under consideration, and are of the opinion that it is too late a period of the session to give the case under their consideration a fair and just investigation at this time. Therefore, they are of opinion that the petition and remonstrance should be laid on the table, and the committee discharged from the further consideration thereof.

Which report was read, and concurred in by the house.

Ordered, That the said committee be discharged from the further consideration of the subject.

Mr. Kinnard made the following report:

The select committee, to whom was referred a resolution directing an enquiry into the expediency of reducing recorder's fees in a certain case therein named, report,

That it is inexpedient to legislate specially on this subject, although they are of opinion that a general law extending to all similar cases would be advisable.

Which was read, and

Ordered To lie on the table.

On motion of Mr. Gardner,

Resolved, That the public printer be required to furnish the legislature with two thousand copies of a list of the acts passed at this session, prior to the time of their adjournment, and that the secretary of state furnish said printer with a list, and daily furnish the necessary addition to the same.

Mr. Johnson of K., moved the following resolution:

Resolved, That the public printer be, and he is hereby instructed, to attach the memoir of the late Col. Moore, the United States Engineer, in relation to his surveys of the Wabash and Erie canal line, and the reports of our canal commissioners of 1828 and '29, to the journals of the present session.

The question being put,

Shall said resolution be adopted?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Blake, Boon, Conner, Davis of A., Dixon, Hillis, Hoover, Hawk, Hussey, Jackson of D., Jackson of S. Johnston of K, Johnston of T., Ketcham, Kinnard, McNary, Noble, Pennington, Pollock, Rariden, Read, Reiley, Slaughter, and Smiley, Speaker--25.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Casey, Coffin, Crume, Dumont, Evans, Finley, Fite, Guion, Hall, Hamilton, Hendricks, Herod, Jones, Kingsbury, Levenworth, Leviston, Little, Logan, Long, Morrison, Moyer, Pabody, Parks, Polke, Smith, Stewart, Wallace of F., and Wallace of J.—31.

And so said resolution was not adopted.

Mr. Levenworth, after having obtained leave, presented a joint resolution respecting rail roads:

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for to-day.

The house then resolved itself into committee of the whole, on said joint resolution;

And after some time spent therein,

The speaker resumed the chair, and

Mr. Jackson of D., reported the same without amendment.

The said joint resolution was then considered as engrossed, and read the third time; when,

Mr. Pennington moved to lay the same on the table.

Which motion was carried in the affirmative.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Smith asked and obtained leave to withdraw the petition of Thomas Curren and others, of Ripley county, on the subject of removing from office a certain road commissioner.

Mr Gardner moved to reconsider the vote taken on yesterday, agreeing to the amendment proposed by the senate to the engrossed bill of this house, to open a state road from Raccoon ford, in Parke county, to Lafayette, in Tippecanoe county.

Which motion was carried in the affirmative.

The said bill and amendment was then

Ordered To lie on the table.

Mr. Reiley, from the select committee, to which was referred the engrossed bill from the senate, entitled An act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes, in Knox county, by leave of the house, reported, the same with two amendments:

Which were read and concurred in by the house.

Mr. Slaughter moved further to amend said bill

in the first section thereof, by striking out the words "Benjamin Fuley of Floyd," and inserting in lieu thereof, the words 'Hays McKellin, of Harrison.'

Which motion was carried in the affirmative.

Mr. Hall moved further to amend said bill, by adding thereto the following as an additional section:

'That each and every manager and stockholder of shares in said stock, shall be individually liable for all paper issued, and for all debts that may be incurred by said company.'

Mr. Armstrong moved to amend said amendment, by adding the following proviso:

'Provided, that each individual stockholder shall not be bound beyond the amount of his stock.'

Which motion was decided in the negative.

The question recurring on adopting the amendment proposed by Mr. Hall:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Casey, Dumont, Evans, Gardner, Hall, Hamilton, Herod, Hoover, Jack, Jackson of D., Ketcham, Leviston, Little, Long, Pabody, Parks, Pennington, Polke, Rariden, Smith and Smiley, Speaker—21.

And those who voted in the negative, are,

Messrs. Armstrong, Bassett, Beard, Bell, Bence, Blake, Boon, Brown, Coffin, Conner, Davis of A., Davis of S., Dixon, Finley, Fite, Guion, Hendricks, Hillis, Hussey, Jackson of S., Jones, Kinnard, Logan, Moyer, Noble, Pollock, Read, Reiley, Slaughter and Wallace of F.,—30.

And so said amendment was not adopted.

Mr. Finley moved further to amend said bill, by striking out the whole of the fifth section, which reads in the words following, viz:

That the treasurer of state be, and he is hereby authorised and directed to subscribe one hundred shares on behalf the state of Indiana, in the capital

stock of the said company, which shall be paid in regular instalments, as required above on shares, by said treasurer, for the purpose whereof, five thousand dollars be and the same are hereby appropriated and set apart out of the three per cent. fund of this state, after the prior appropriations from said fund are duly honored and satisfied; and of which said sum subscribed, the sum of two thousand dollars, heretofore appropriated out of the said fund for the improvement of the Wabash river is hereby transferred, to be applied by the treasurer towards the first instalments; and which said sum of two thousand dollars shall be repaid out of the said five thousand dollars for the improvement of the said Wabash river, when required by law for that purpose. Provided, that the subscription and payments authorised by this section, shall for every such share subscribed and paid, vest in the state all the rights, estates and emoluments appertaining to a share or shares held by individual stockholders, and as a dividend shall be declared by the president and managers, the proportion thereof due the state shall be paid into the treasury of this state; and with the same rights, privileges and interest, it shall and may be lawful for the government of the United States, or any state, or corporation, to subscribe for any number of shares of stock in said company.'

Mr. Blake moved to amend said section, by striking out these words, 'when required by law for that purpose;' and inserting in lieu thereof, these words, 'and shall be retained by the agent of the three per cent. fund, for the improvement of the said river, whenever such amount of said appropriation shall be received by him.'

Which motion was decided in the negative.

The question recurring on striking out said section;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Casey, Conner, Dixon, Dumont, Evans, Finley, Guion, Hall, Hamilton, Hendricks, Herod, Hoover, Hussey, Jack, Jackson of D., Jackson of S., Johnston of T., Jones, Ketcham, Kinbaird, Leviston, Little, Logan, Long, McNary, Pabody, Parks, Pennington, Polke, Rariden, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, Speaker—38.

And those who voted in the negative, are,

Messrs. Bassett, Bell, Bence, Blake, Boon, Brown, Coffin, Davis of S., Fite, Hillis, Johnston of K., Levenworth, Morrison, Moyer, Noble, Pollock, Read Reiley, and Slaughter—19.

And so said section was stricken out.

Mr. Read then moved to lay said bill on the table.

Which motion was carried in the affirmative.

Mr. Morrison, from the joint committee for enrolled bills, reported—

That they have compared the enrolled with the engrossed bills, entitled

An act amendatory to an act entitled, An act authorising the leasing of Royce's lick and Rock lick reserves, in the county of Washington; approved, January 7, 1828;

An act to amend an act subjecting real and personal estate to execution; approved, January 30, 1824;

An act giving further powers to the president and select council of the town of Lawrenceburgh, in the county of Dearborn, Indiana;

An act to authorise the building of bridges across Lick creek and Salt creek;

An act for the relief of Julius Johnson;

An act relative to Twin creek;

An act legalizing the proceedings of the school commissioner of Madison county;

An act to change the mode of doing county business in the county of Delaware, and for other purposes;

An act providing for the opening of part of the Michigan road;

An act in relation to certain ferries;

An act authorising asylums for the poor in the counties of Washington and Dearborn;

An act to amend an act entitled An act establishing a state road from Shelbyville, to intersect the Madison state road in Jennings county; approved, January 19, 1828;

An act for the formation of a new county east of Tippecanoe county;

An act providing for taking a list of the taxable property and polls, in Vermillion county, and for other purposes;

An act to incorporate the White Water and Miami turnpike company;

An act to legalize the proceedings of the probate court of the county of Pike;

An act to authorise the qualified voters of the different townships, in the county of Harrison, to elect their township officers;

An act legalizing the proceedings of the superintendent of a school section therein named;

A joint resolution allowing a compensation to Philip Hedges, for distributing the laws and journals;

A joint resolution providing for the erection of a grave or tomb stone over the grave of the late Daniel C. Lane, Esq., deceased;

A joint resolution to the congress of the United States, requesting a corps of engineers to examine and survey White river, the east and west forks thereof; and to examine, and if found practicable,

survey a canal route, to connect the Wabash and Erie canal with the Ohio river;

A memorial and joint resolution of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to land within the state, and of removing the Indians beyond the Mississippi:

And find the same truly enrolled.

When,

The speaker signed said bills, &c.

Ordered, That the clerk carry them to the senate for the signature of their president.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed an engrossed bill from the house of representatives, entitled,

An act relative to the state road from Rushville to Lawrenceburgh;

Without amendment.

The senate has passed engrossed bills, originating in the senate, of the following titles, to wit:

An act declaring Little Pigeon creek a public highway;

An act to amend the acts concerning divorces;

An engrossed joint resolution of the general assembly concerning the agent of the three per cent. fund:

In which two last named bills and joint resolution, the concurrence of the house of representatives is requested.

The two last named bills and joint resolution, in said message, were severally read the first, second and third times, and passed, the rules of the house having first been dispensed with.

Ordered, That the clerk inform the senate thereof.

Mr. Howk made the following report:

The committee of free conference on the subject matters of difference between the two houses, relative to the bill fixing the times of holding the courts

in the several judicial circuits, agree that the house of representatives shall recede from their disagreement to the amendments made by the senate to said bill, and concur in the same with the following amendments, to wit: in the second section, strike out 'last Mondays of February and August,' and insert in lieu thereof, 'first Mondays of March, and third Mondays of August: in the fifth line from the bottom of said section, strike out 'twelve,' and insert 'six:' and in the next line below, strike out 'six,' and insert 'twelve. Strike out the third section, and insert the following in lieu thereof:

SEC. 3. In the county of Switzerland, on the third Mondays of February and August; in the county of Jefferson, on the fourth Mondays of February and August; in the county of Jennings, on the second Mondays of March and September; in the county of Ripley, on the third Mondays of March and September; in the county of Franklin, on the fourth Mondays of March and September; in the county of Dearborn, on the second Mondays of April and October; in the county of Decatur, on the fourth Mondays of April and October; and the said circuit courts to be holden as above, in the said third judicial circuit, shall sit in the counties of Ripley, Jennings, Switzerland and Decatur, six days each, if the business require it; and in the counties of Jefferson, Dearborn and Franklin, twelve days each, if the business require it.

Strike out of the 4th section, the four first lines, and part of the fifth line, to the word 'August' inclusive, and insert in lieu thereof, 'In the county of Dubois, on the Thursdays preceding the second Mondays in April and October; in the county of Pike, on the second Mondays of April and October: and in the 6th section, strike out these words, 'Mondays succeeding the courts in the county of Delaware,' and insert in lieu thereof, 'second Mondays in May and November.'

Which report was read; when,
The question was put,
Will the house concur in said report?

And the ayes and noes being required thereon by
two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Bence, Blake, Boon,
Brown, Conner, Davis of A, Dixon, Evans, Fite, Hall, Ham,
ilton, Hendricks, Herod, Howk, Hussey, Jack^c Jackson of D.
Jackson of S., Johnston of K., Ketcham, Kingsbury, Le-
venworth, Little, Logan, McNary, Pabody, Parks, Pennington,
Polke, Pollock, Read, Reiley, Slaughter, Stewart and Wallace
of J.--38.

And those who voted in the negative, are,

Messrs. Bell, Casey, Coffin, Crum^e, Davis of S., Du-
mont, Finley, Gardner, Guion, Hillis, Hoover, Johnston of T.,
Jones, Kinnard, Leviston, Long, Moyer, Noble, Rariden Smith,
Wallace of F. and Smiley, *Speaker*—22.

And to said report was concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Wallace of F., after having obtained leave,
presented a bill to amend the act incorporating
congressional townships, and providing for public
schools therein:

Which was read the first, second and third times,
and passed, the rules of the house having first
been dispensed with.

Ordered, That the same be entitled an 'act,' and
that the clerk carry it to the senate, and ask their
concurrence therein.

The house then proceeded to consider the orders
of the day:

The engrossed bill for the better regulation of of-
ficers and offices in the county of Monroe; and

The engrossed bill to establish a state road, from
the Jeffersonville state road, on the west side of
Silver creek, to the lower falls of the Drift-wood
fork of White river, were severally read the third
time, and passed.

Ordered, That said bills be entitled 'acts,' and that the clerk carry them to the senate, and ask their concurrence therein.

On motion of Mr. Stewart,

The committee of the whole house was discharged from the further consideration of the bill for the relief of the securities of Samuel Postlewait, late collector of Dubois county.

The said bill was then considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry the same to the senate, and ask their concurrence therein.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the bill to amend an act entitled An act relative to navigable streams, declared public highways, by an ordinance of Congress of 1787; approved, January 23, 1829; and

On motion of Mr. Howk,

The further consideration of said bill was postponed indefinitely.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the engrossed joint resolution from the senate on the subject of the canal lands, donated to Indiana by congress.

The said joint resolution was then read the third time, and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Pennington,

The committee of the whole house was discharged from the consideration of the bill to amend the act entitled An act to amend the several acts regulating judicial circuits, and fixing the times of holding courts; approved, January 24, 1828, and

the said bill postponed until the first Monday in August next.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the engrossed bill from the senate for the relief of Paul Castleberry, commissioner on the state road leading from Fredonia to the mouth of the Wabash river.

The said bill was then read the third time, and passed.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, of the following titles, to wit;

An act to relocate a part of the state road leading from Rockport to Bloomington;

An act supplemental to an act organizing the county of Clinton; and,

An act to attach certain territory to the county of Hamilton:

The first with an amendment; the two latter without amendment.

The senate has passed an engrossed bill originating in the senate, of the following title, to wit:

An act authorising the board of commissioners of Shelby county, to hold special sessions.

In which amendment and bill the concurrence of the house is requested.

The senate insist on their disagreement to the third amendment proposed by the house to the engrossed bill of the senate of the following title, to wit:

An act supplemental to an act entitled, An act providing for the location, opening and improvement of certain state roads, passed at the present general assembly, and for other purposes.

The senate disagree to all the amendments pro-

posed by the house to the senate's bill of the following title, to wit:

An act relative to navigable streams declared public highways by the ordinance of congress, of 1787; approved, January 23, 1829

The amendment proposed by the senate to the first named bill in said message, was read and concurred in by the house.

The fourth bill in said message was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Mr. Crume moved that the house adhere to their third amendment to the fifth bill in said message.

Which motion was carried in the affirmative.

Mr. Howk moved that the house insist on their amendments to the sixth bill in said message.

Which motion was also carried in the affirmative.

Ordered, That the clerk inform the senate thereof,

A message was received from the senate, by Mr. Dill, their secretary, announcing,

That the senate concur in the report of the committee of free conference, appointed on the part of the senate, to act with the committee on the part of the house of representatives, to take into consideration the disagreement between the two houses relative to the amendment proposed by the senate to the engrossed bill of the house of representatives, entitled An act fixing the times of holding courts in the several judicial circuits in this state, and for other purposes.

On motion of Mr. Little,

The engrossed bill from the senate, entitled An act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes, in Knox county, was taken up.

Mr. Little then moved to reconsider the vote on Mr. Finley's proposition to strike out the fifth section of said bill, when the same was last under consideration.

Which motion was carried in the affirmative: when, Mr. Reiley moved to reconsider the vote on Mr. Blake's amendment to said section, taken when said bill was last under consideration.

Which motion was also carried in the affirmative.

The question recurring on the adoption of Mr. Blake's proposed amendment.

It was carried in the affirmative.

The question then recurring on striking out the said fifth section as amended;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Beard, Casey, Conner, Crume, Davis of A., Dixon, Dumont, Finley, Guion, Hendricks, Herod, Hoover, Jack, Jackson of D., Jackson of S., Johnston of T., Jones, Ketcham, Kinnard, Leviston, Little, Long, McNary, Pabody, Pennington, Polke, Smith and Smiley, Speaker--29.

And those who voted in the negative, are,

Messrs. Bassett, Bell, Bence, Blake, Boon, Brown, Coffin, Evans, Fite, Gardner, Hillis, Howk, Johnston of K., Kingsbury, Levenworth, Logan, Morrison, Moyer, Noble, Parks, Pollock, Read, Reiley, Slaughter Stewart, Wallace of F. and Wallace of J.--27.

And so said section was stricken out.

On motion of Mr. Blake, the said bill was again

Ordered To lie on the table.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives of the following titles, to wit:

An act for the formation of a new county north of Marion and Hendricks counties; and

An act to exempt from imprisonment for debt, soldiers of the revolutionary war, and persons over the age of fifty-five years:

With amendments.

In which amendments the concurrence of the house is requested.

The several amendments proposed by the senate to the bill named in said message, were read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Davis of A., after having obtained leave, presented a bill supplemental to an act regulating judicial circuits, and fixing the times of holding courts:

Which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the bill to amend the act for assessing and collecting the revenue.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the engrossed bill from the senate, entitled, An act appointing Asher Labertew, agent of the reserved townships of land in Monroe county.

The said bill was then read the third time, and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Read,

The committee of the whole house was discharged.

ed from the further consideration of the joint resolution making reciprocal provisions to aid in the prosecution of crimes committed in this state and the adjoining states.

The said joint resolution was then

Ordered To be engrossed, and read a third time to-morrow.

On motion of Mr. Bence,

The committee of the whole was discharged from the further consideration of the bill to attach a part of Clark county to the county of Floyd:

When,

Mr. Morrison moved to postpone the further consideration of said bill indefinitely.

Which motion was decided in the negative.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Wallace of J.,

The committee of the whole house was discharged from the further consideration of the bill of this house, to provide means to construct that portion of the Wabash and Erie canal within the state of Indiana, and the further consideration thereof postponed indefinitely.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 28, 1830.

The house met pursuant to adjournment.

On motion of Mr. Hall,

The vote taken yesterday, on the passage of the engrossed bill attaching a part of Clark county to the county of Floyd, was reconsidered:

When,

Mr. Howk moved to postpone the further consideration of said bill until the first Monday in December next.

Which motion was carried in the affirmative.

Mr. Crume presented a remonstrance of Enoch Chambers and others, citizens of Waterloo, in the county of Fayette, against exchanging lot No. 40, for lot No. 43, in said town:

Which was read, and

Ordered To lie on the table.

Mr. Armstrong presented a petition of John Spencer, collector of the revenue for Dearborn county, praying certain relief for failing to pay the state revenue in time:

Which was read and referred to a select committee of Messrs. Armstrong, Wallace of F., and Pollock.

Mr. Brown, from the joint committee for enrolled bills, reported,

That they did on yesterday, present to the governor for his approval and signature, the following enrolled bills and joint resolutions:

An act to establish a state road from Martinsville, by way of Lyon's mill, Mooresville, leading north, to the Michigan road;

An act to amend an act entitled An act for the relief of occupying claimants of land;

An act making provisions for expending the Mank's ferry road fund, and for other purposes;

An act to locate a state road from Troy in Perry county, to Washington, in Daviess county;

An act to vacate a certain state road therein named, and for other purposes;

An act supplemental to an act declaring Mississinewa river a public highway;

An act making general appropriations for the year 1830;

An act to authorise the board of justices in Pike county, to levy an additional tax in said county ;

An act to incorporate the town of Jeffersonville in the county of Clark ;

An act to establish a state road therein named ;

And,

A joint resolution authorising the auditor of public accounts to procure a list of relinquished lands from the land offices therein named ;

A joint resolution relative to a certain act of the Commonwealth of Virginia ;

A joint resolution relative to the Indiana college ;

A joint resolution of the state of Indiana on the subject of colonizing the people of color.

Mr. Brown, from the joint committee on enrolled bills, reported, that they did, on this day, present to to the governor for his approval and signature, the following enrolled bills entitled acts, to wit :

An act relative to Twin creek ;

An act for the formation of a new county east of Tippecanoe county ;

An act legalizing the proceedings of the probate court in Pike county ;

An act relative to certain ferries ;

An act providing for the opening of part of the Michigan road ;

On motion of Mr. Wallace of F.,

The judiciary committee was discharged from the further consideration of the joint resolution, from the states of Virginia, Georgia, South Carolina and Mississippi, on the subject of the tariff, and the said joint resolutions

Ordered To lie on the table.

On motion of Mr. Blake,

The committee on canals and internal improvements were discharged from the further consideration of the petition of Philip H. Miller and others ; and the said petition

Ordered To lie on the table.

Mr. Hendricks made the following report:

The select committee, to which was referred the petition of sundry citizens of Ripley and Jennings counties, praying for an alteration of county bounds, with a remonstrance on the same subject, have had the subject under consideration, and have directed me to report, that further legislation on that subject would be inexpedient at this time. From the further consideration of that subject the committee desires to be discharged.

Which report was read, and concurred in by the house.

Ordered, That said committee be discharged from the further consideration of said subject.

Mr. Pennington moved the following resolution:

Resolved, That this house will adjourn *sine die*, on Saturday the thirtieth instant; and that the senate be informed of the same, and a similar resolution on their part requested.

Mr. Dumont moved to amend said resolution by adding thereto the following proviso:

‘Provided, that the governor shall by that time, have returned to this house the several bills, which have been or may be presented to him for his approval.

Which motion was decided in the negative.

The question recurring on the adoption of said resolution;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bell, Bence, Blake, Boon, Casey, Coffin, Conner, Davis of A., Dixon, Finley, Fite, Guion, Hall, Hamilton, Herod, Hawk, Jackson of S., Jones, Ketcham, Kingsbury, Levenworth, Leviston, Little, Logan, Long, Moyer, Pabody, Parks, Pennington, Polke, Read, Reiley, Slaughter, Stewart, and Smiley, Speaker—35.

And those who voted in the negative, are,

Messrs Armstrong, Bassett, Beard, Crume, Davis of S., Dumont, Gardner, Hendricks, Hillis, Hoover, Hussey, Jack, Jackson of D., Johnston of K., Johnston of T., Kinnard, Noble, Pollock, Rariden, Smith, Wallace of F., and Wallace of J.

—22.

And so said resolution was adopted.

Ordered, That the clerk inform the senate thereof.

Mr. Crume asked and obtained leave to withdraw the petition of William Port and others, citizens of Waterloo, on the subject of a lot in said town, and also the remonstrance on the same subject.

Mr. Hendricks asked and obtained leave to withdraw the petition of sundry citizens of Ripley and Jennings counties, on the subject of attaching part of said counties to the county of Decatur.

Mr. Beard after having obtained leave, presented a joint resolution on the subject of the laws for certain new counties therein named:

Which was read the first and second times, the rules of the house having first been dispensed with;

When,

Mr. Wallace of J., moved to amend the same, so as to authorise the secretary of state to forward one copy of said laws to each county in the state, for the use of the probate judges.

Which motion was carried in the affirmative.

The said joint resolution was then

Ordered To be engrossed, and read a third time to-morrow.

Mr. Pennington moved to reconsider the vote taken yesterday, on striking out the fifth section of the engrossed bill from the senate, entitled An act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant, to Vincennes, in Knox county; the said bill having first been taken up.

Which motion was carried in the affirmative.

Mr. Blake then moved to amend said section by adding thereto the following proviso:

‘And provided also, That the sum of twenty thousand dollars shall be subscribed by individuals and actually paid in before the said appropriation, or any part thereof shall be applied as aforesaid, by the treasurer of this state.

Which motion was carried in the affirmative.

The question then recurring on striking out said section as amended:

It was decided in the negative.

Mr. Read moved further to amend said bill in the first section, by inserting the name of Lewis Brooks, of Martin county, as a commissioner on said road.

Which motion was carried in the affirmative.

The said amendments were then considered as engrossed, and the bill read a third time: and

The question being put,

Shall said bill pass as amended?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Bell, Bence, Blake, Boon, Casey, Coffin, Finley, Fite, Gardner, Guion, Hall, Hillis, Hoover, Hawk, Hussey, Jackson of S., Johnston of K., Kingsbury, Levenworth, Little, Logan, Moyer, Noble, Parks, Pennington, Polke, Read Reiley, Slaughter, Stewart, Wallace of F. and Wallace of J.—34.

And those who voted in the negative, are,

Messrs. Brown, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Johnston of T., Jones, Ketcham, Kionard, Leviston, Long Pabody, Smith, and Smiley, Speaker—16.

And so said bill passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendments.

Mr. Brown from the joint committee for enrolled bills, reported,

That they did, on this day, present to the governor for his approval and signature, the following enrolled bills and joint resolutions, to wit:

An act to amend an act subjecting real and personal estate to execution; approved, January 30, 1824;

An act to authorise the qualified voters in the different townships in the county of Harrison, to elect township officers;

An act to legalize the proceedings of the school commissioner in Madison county;

An act to amend an act entitled An act to establish a state road from Shelbyville to intersect the Madison state road in Jennings county; approved, January 19, 1828;

An act amendatory to an act entitled An act authorising the leasing of Royce's lick and Rock lick reserves, in the county of Washington; approved, January 7, 1828;

A joint resolution providing for the erection of tomb stones over the grave of the late Daniel C. Lane, deceased;

An act authorising asylums for the poor in the counties of Washington and Dearborn;

An act for the relief of Julius Johnson;

A joint resolution allowing compensation to Philip Hedges for distributing the laws and journals;

An act providing for taking a list of taxable property and polls in Vermillion county, and for other purposes.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor, to inform the house of representatives, that he did, on this day, approve and sign the following bills, viz:

An act to vacate a certain state road therein named, and for other purposes;

An act to authorise the board of justices of Pike county to levy an additional tax in said county ;

An act to establish a state road from Martinsville, by way of Lyon's mill and Mooresville, leading north, to the Michigan road ;

An act supplemental to an act declaring Missine-wa river a public highway ;

An act to incorporate the town of Jeffersonville in the county of Clark ;

An act making general appropriations for the the year 1830 ; and

An act to establish a state road therein named.

On motion of Mr. Kingsbury,

The engrossed bill from the senate, entitled An act declaratory of the law on the subject of divorces, was taken up.

The said bill was then read the third time and passed.

Ordered, That the clerk inform the senate thereof.

Mr. Morrison, from the joint committee for enrolled bills, reported—

That they have compared the enrolled with the engrossed bill, entitled

An act fixing the times of holding the courts in the several judicial circuits ;

And find the same correctly enrolled.

When, the speaker signed said bill.

Ordered, That the clerk carry it to the senate for the signature of their president.

On motion of Mr. Pennington,

The several orders of the day which precede the bill making specific appropriations for the year 1830, were, for the present postponed.

The house then resolved itself into a committee of the whole on said bill.

And after some time spent therein,

The speaker resumed the chair, and

Mr. Jackson of S., reported the same with sundry amendments ;

Which were all concurred in, except one; which was, by striking out of said bill, the words 'eighty-five cents,' the allowance per day, for fuel furnished both houses of the general assembly at the present session, and inserting in lieu thereof, the words 'one dollar.'

The question being put,

Will the house concur in said amendment?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Bassett, Beard, Bence, Brown, Conner, Crume, Davis of S., Dumont, Gardner, Levenworth, Pabody, Pennington, Polke, Pollock, Wallace of F. and Wallace of J.—16.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Casey, Coffin, Davis of A., Dixon, Finley, Fite, Guion, Hall, Hamilton, Hendricks, Herod, Hoover, Jackson of D., Jackson of S., Johnston of K., Jones, Ketcham, Kingsbury, Kinnard, Leviston, Little, Logan, Long, McNary, Moyer, Parks, Read, Reiley, Slaughter, Smith, Stewart, and Smiley, *Speaker*—34.

And so said amendment was not concurred in by the house.

Mr. Brown from the joint committee on enrolled bills, reported,

That they did, on this day, present to the governor for his approval and signature, the following enrolled bills and joint resolutions, entitled as follows, to wit:

An act to authorise the building of bridges across Lick creek and Salt creek;

An act to change the mode of doing county business in the county of Delaware, and for other purposes;

An act giving further power to the president and select council of the town of Lawrenceburgh, in the county of Dearborn, Indiana;

An act to incorporate the White Water and Miami turnpike company ;

An act legalizing the proceedings of the superintendent of a school section therein named ;

A joint resolution to the congress of the United States, requesting a corps of engineers to examine and survey White river, the east and west forks thereof, and to examine, and if found practicable, survey a canal route to connect the Wabash and Erie canal with the Ohio river ;

A memorial and joint resolution of the general assembly of the state of Indiana on the subject of extinguishing the Indian title to the lands within this state and removing the Indians beyond the Mississippi ;

An act fixing the times of holding the circuit courts in the several judicial circuits, and for other purposes.

Mr. Morrison from the committee on enrolled bills reported,

That they have compared the enrolled with the engrossed bills, entitled,

An act to amend the acts concerning divorces ;

An act for the formation of the counties of St. Joseph and Elk Hart ;

An act for the relief of Paul Castleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river ;

An act declaring Little Pigeon creek a public highway ;

An act authorising the board of commissioners of Shelby county to hold special sessions ;

An act to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state ;

An act providing for a state road from Noblesville to Logansport ; and also from Indianapolis by Pendleton to Andersontown ;

A joint resolution on the subject of canal lands donated to Indiana by congress;

An act relative to the state road from Rushville in Rush county, to Lawrenceburgh, in Dearborn county;

An act appointing Asher Labareew, agent of the reserved township of land in Monroe county, and for other purposes;

An act authorising the sale of one of the reserved sections of land in the reserved township of land in Monroe county;

An act to relocate a part of the state road leading from Rockport to Bloomington;

An act supplemental to an act organizing the county of Clinton;

An act to exempt from imprisonment for debt soldiers of the revolutionary war;

An act for the improvement of the Wabash below Vincennes;

An act to attach certain territory to the county of Hamilton;

A joint resolution of the general assembly concerning the agent of the three per cent fund:

And find the same truly enrolled.

When the speaker signed said bills, &c.

Ordered, That the clerk carry them to the senate for the signature of their president.

The following message was received from the governor by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the governor, to inform the house of representatives that he did on this day approve and sign the following bills and joint resolutions:

An act to locate a state road from Troy, in Perry county, to Washington, in Daviess county;

An act for the relief of Martha McBride;

An act fixing the times of holding the circuit

courts in the several judicial circuits, and for other purposes;

An act making provision for expending the Mauk's ferry road fund, and for other purposes;

A joint resolution relative to the Indiana college;

A joint resolution authorising the auditor of public accounts to procure a list of relinquished lands from the land offices therein named;

A joint resolution of the state of Indiana on the subject of colonizing the people of color;

And,

A joint resolution relative to a certain act of the commonwealth of Virginia.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Boon made the following report:

The committee of free conference appointed to take into consideration the disagreeing votes between the two houses, upon a bill providing for the relocation of the county seat of Sullivan county, report,

That they have had the same under consideration, and have agreed to the following amendment, as a substitute for the one proposed by the senate to the original bill of the house, which were disagreed, to wit;

1st amendment: Strike out 'Joseph Chambers,' and insert 'John Decker.'

3d amendment in discussion, arising upon the amendment made by the senate, the committee cannot come to any arrangement, other than they have agreed to disagree, and beg to be discharged from the further consideration of this point and subject in the amendments.

Which report was read, and concurred in by the house.

Mr. Kinnard entered the following protest:

The undersigned respectfully protests against the passage of a bill entitled "a bill for the relief of the subscribers to the state prison":

1st. Because the said bill provides for the payment of certain monies to the subscribers aforesaid, out of the fund arising from the sale of lots at Indianapolis, which fund is pledged to the erection of the public buildings at Indianapolis, and cannot without violating the public faith, be appropriated to any other purpose.

2d. Because it is unjust, oppressive and inexpedient; having a tendency to destroy the Indianapolis fund; to suspend thereby the public improvements at the seat of government, and to injure the value of public and private property, and is attempted to be justified by a former, unjustifiable measure, viz: The appropriation of \$3000 out of the same fund, to the building of the state prison, which ought to be refunded.

3d. Because the act entitled 'an act authorising the building of a state prison, and for other purposes,' under which this money is proposed to be expended, gives no authority therefor, but authorizes the receipt of subscriptions in the nature of donations to the state prison. There has been no subsequent act to divest said subscribers of their interest in the proceeds or rent of the prison, out of which their claims ought to be paid.

4th. Because said bill provides for a certain expenditure of one thousand dollars, out of the Indianapolis fund; leaving room for a further expenditure to an indefinite amount, out of the same fund, and out of the state treasury, in payment to three commissioners, at \$2.00 per day each, and in payment to witnesses and others, who will be employed in adjudicating upon the claims of the subscribers aforesaid, without fixing any limit to their number, and the time of their employment. And

lastly, because there has been no evidence submitted, shewing that any injury has been done to those subscribers, which should first be ascertained, together with exact knowledge of the value given to their property by the location of the state prison at Jeffersonville, which must have been their chief inducement to make the donations which said bill proposes to repay them.

GEO. L. KINNARD.

The house then resumed the consideration of the bill making specific appropriations for the year 1830.

The said bill was then amended by consent, considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, of the following titles, to wit;

An act supplemental to an act to regulate the judicial circuits and fixing the times of holding courts, passed the present session; without amendment:

An act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace; with amendments:

In which amendments they request the concurrence of the house.

The amendments proposed by the senate to the second bill named in said message, were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate insist upon their disagreement to

all the amendments proposed by the house of representatives to the engrossed bill of the senate entitled

An act to amend an act relative to navigable streams declared public highways by the ordinance of congress of 1787; approved, January 23, 1829; and has appointed Messrs. Linton and Ewing, a committee of free conference to act with a similar committee to be appointed by the house, to take into consideration the disagreeing votes of the two houses on said bill.

The senate continue to insist on its disagreement to the third amendment proposed by the house of representatives to the engrossed bill of the senate, entitled

An act supplemental to an act entitled an act providing for the location, opening and improvement of certain state roads, passed at the present session of the general assembly, and for other purposes; and has appointed Messrs. Orr and Blair, a committee of free conference to act with a similar committee to be appointed on the part of the house, to take into consideration the disagreeing votes of the two houses on said bill.

Mr. Blake moved that the house recede from their amendment to the first bill named in said message.

Which motion was carried in the affirmative.

Mr. Boon moved to reconsider the vote of yesterday, on adhering to the third amendment proposed by the house to the second named bill in said message.

Which motion was carried in the affirmative.

Mr. Pennington then moved that the house recede from their said amendment.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Dill, their secretary, announcing,

That the senate has passed engrossed bills from

the house of representatives of the following titles, to wit:

An act to establish a state road from the Jeffersonville state road, on the west side of Silver creek, to the lower falls of the Driftwood fork of White river; and,

An act to regulate the militia of the state of Indiana; with amendments to each.

In which amendments they request the concurrence of the house.

The senate recede from the third amendment proposed by the senate to the engrossed bill from the house of representatives entitled,

An act providing for the relocation of the county seat of Sullivan county:

And that the governor did on this day, return to the senate, the enrolled bill, entitled An act to provide for the public printing, and for other purposes; with his objections in writing, to, approving of, or signing the same; together with a communication from George Smith, marked A, and made a part of, and referred to, in his objections; both of which are herewith transmitted; and that the senate has, this day, considered the objections, and passed the said enrolled bill, by a majority of all the senators elected; in which the concurrence of the house of representatives is requested.

The amendment proposed by the senate to the first bill in said message, was concurred in by the house.

Mr. Long moved that the house disagree to the amendment proposed by the senate to the second named bill in said message.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate :hereof.

The following are the objections presented by the governor, for his refusal to approve and sign the bill last named in said message.

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, Jan. 28, 1830. }

MILTON STAPP,

President of the Senate

SIR: I herewith return to the senate of the state of Indiana, An act to provide for the public printing, and for other purposes, without my signature, for a reconsideration, which originated in the senate, and passed both houses of the present general assembly. After maturely considering this bill and its tendency, my mind has arrived at a settled conviction, that it ought not to become a law of the land. The independence of the press and the low condition of our treasury, concur in its rejection. This bill makes an invidious and unjust distinction, in the mode of making public contracts. The public printing, as well as all other public contracts, should be submitted to a fair competition, as is provided for by the laws of the state now in force; where competitors are not wanting, to do justice both to the state and themselves. The provisions of this bill are calculated to make the public printer the subservient instrument of the dominant party in the legislature, from time to time, who will have abundant inducements to sacrifice his independence, with every change of strength. The public printer may, or he may not, be the conductor of a public journal, so that the press may be converted into the exclusive engine of a party.

This bill ought not to pass, because the printing of the state, has hitherto been well executed, for a price ONE THIRD less than it proposes to give; and it is believed, that it can again be performed, with every necessary despatch, and mechanical neatness and correctness, at the same rate. The undersigned, therefore, for these and many other reasons which might be urged, cannot consent to take several

hundred dollars of the people's money yearly out of their treasury, to be virtually bestowed upon any man, without any consideration in return. The people have not called for the change contemplated, and cannot be interested in a project like the one proposed, if once sanctioned, to increase their taxes, and to corrupt the channel by which intelligence is enabled to reach their fire-sides.

It is my province to add, that this determination has been influenced IN PART by a communication which was addressed to me on this subject by one of the present state printers, which is as follows, to wit:

INDIANAPOLIS, JAN. 23, 1830.

To J. B. RAY,

Governor of Indiana:

SIR: Previous to the third reading of the bill relative to the election of a public printer, and the regulation of the prices of printing, the following communication was submitted to the legislature:

To the Honorable,

The House of Representatives

of Indiana:

The undersigned, one of the printers for the state, understanding a bill is now on its third reading in your body, providing for the election of a public printer; and understanding also, that the prices, as set forth in said bill, have been greatly increased, from those now given; and having made great sacrifices in procuring materials to perform the work with despatch, and in a neat manner, and being aware in these times of pressure and difficulty, that the people demand of their representatives, as much economy as possible, I have

come to a conclusion, having materials adequate to the performance of the work, to propose to your honorable body, that every necessary security will be given, even if amounting to fifty thousand dollars, for the performance of the printing for the next session, at the present prices, to wit: 25 cents per thousand ems; 30 cents per token for medium, and 35 cents for royal paper; and will further agree to perform the work in as speedy a manner as set forth in the bill now before your honorable body. The prices in the bill are increased about one third; and presuming the printing to amount at least to one thousand dollars, under my prices, (calculating from the amount of printing of last session,) by favoring my pretensions, the sum of THREE HUNDRED and FIFTY dollars will be gained to the state, at the least calculation; and in the same proportion for a greater amount.

I leave the subject to the consideration of your honorable body, hoping, as a proof of my sincerity, my proposition will be recorded on your journals. If necessary, my materials can be exhibited to a committee that may be appointed by your honorable body, should you think proper to recommit the bill. I herewith present a specimen of the type on which I will print both journals, viz: "Judge Blackford's Address;" which, from its size, will be an additional saving in press-work and paper; and will bind myself to procure a new fount of type, of the usual size, for printing the laws; so that nothing shall be wanting to insure the work to be done, at least equal to the public printing of our sister states.

Respectfully submitted.

GEORGE SMITH.

Indianapolis, Jan. 23, 1830.

The above calculation was founded on the last year's printing; which as will be seen by examin-

ing the files of the auditor and treasurer, amounted to one thousand and twenty dollars, at the rates at which I proposed to do the work. But from calculation, founded on the increase of printing for the last few years, will be much greater. The printing for the year previous to the last, amounted to about seven hundred dollars; last year, one thousand; and this year, (the press-work on the journals being double by an increased number of copies; and reports, &c. being more numerous,) it will amount at least to thirteen hundred; and progressing in a like proportion, the next year's printing will amount to sixteen hundred dollars at least, at my prices; even should the laws not be revised—but there is a strong indication, judging from reports on the journals of this session, of committees, who state as reasons for not entering into certain measures, that it would be unnecessary, as the laws *will* be shortly revised. But going on the calculation of the work at the above price, which I think not too low, by adding one third more, as contemplated in the bill, the advance on my prices, will be *five hundred thirty-three and one-third* dollars. But should the laws be revised, as there is every probability, the printing would, at the least calculation, amount to three thousand dollars; so that, in that event, there would be a saving of *one thousand* dollars to the people. And I would here remark, that a probability of a revision of the laws, was an additional inducement for me to offer my proposition to the legislature: as the principal item of work would then be press-work, I propose to do press-work of the description that would be required on the laws, for 35 cents per token. I can get the best of workmen, to work at press for 20 cents per token, on the *description* of *tokens* set forth in the bill; which are less, in white paper, *one quire* in every ten, than the tokens by which our present contract is governed. This would leave me 15 cents per token. This re-

duction in the quantity of paper in the tokens, I have no hesitation in saying, was completely overlooked by the legislature, as I said nothing on the subject. But Mr. Merrill who has always settled with us, can give information what he has allowed, which will correspond with the statements above.

This is a plain view of the case, which I conceive it a duty I owe myself, and the country in which I live, and where my *all* is vested, to make. I also conceive it a duty I owe the representatives of the people, who sustained me in my proposition, (the bill having passed each house by a single vote.) I also conceive it my duty to lay these facts before you; as several gentlemen, I am well convinced, did not understand the nature of printing sufficiently to vote knowingly on my propositions. I make no charge against the legislature, believing them, as a body, composed of men, who are disposed to act with economy, and to go as far as possible in promoting the best interests of the state. But I do believe they were mistaken: and believing this, I have been induced to lay the whole before you.

GEORGE SMITH.

Indianapolis, Jan. 23, 1830.

All of which is respectfully submitted.

I have the honor to be,

Sir,

Very respectfully,

Your ob't serv't;

J. BROWN RAY.

The house proceeded to reconsider their vote, heretofore given on the passage of said bill.

The question being then put,

Will the house pass said bill, the objections of the governor to the contrary notwithstanding?

Those who voted in the affirmative, are,

Messrs. Bassett, Bence, Blake, Casey, Davis of A., Dumont, Evans, Finley, Fite, Hall, Howk, Hussey, Jack, Jackson of S., Kingsbury, Little, Logan, Morrison, Moyer, Noble, Padbody, Polke, Rariden, Wallace of F., and Wallace of J.
—25.

And those who voted in the negative, are,

Messrs. Armstrong, Beard, Bell, Boon, Brown, Coffin, Conner, Crume, Davis of S., Dixon, Gardner, Guion, Hamilton, Hendricks, Hillis, Hoover, Jackson of D., Johnston of K., Johnston of T., Jones, Ketcham, Kinnard, Levenworth, Leviston, Long, McNary, Parks, Pennington, Pollock, Read, Reiley, Slaughter, Smith, Stewart, and Smiley, Speaker—35.

And so said bill was rejected; there not being, agreeably to the constitution, a majority of all the members elected, in favor of its passage.

Mr. Davis of A., after having obtained leave, presented a bill relative to the mill improvements of Lewis H. Davis, on the St. Mary's river:

Which was read the first, second and third times, and passed, the rules of the house having first been dispensed with.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate concur in the first, third and fourth amendments proposed by the house of representatives to the engrossed bill of the senate, entitled,

An act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes, in Knox county;

The third amendment, with an amendment; but disagree to the second amendment proposed by the house to said bill.

The senate agree to the first, second, third and

fourth amendments proposed by the house of representatives to the engrossed bill of the senate, entitled An act to extend a certain act therein named, to the county of Warren; but disagree to the fifth amendment, proposed by the house to said bill.

Mr. Read moved that the house recede from their second amendment to the first named bill in said message; and that the house agree to the amendment proposed by the senate to the third amendment, proposed by the house to said bill.

Which motion was carried in the affirmative.

Mr. Read moved that the house recede from their fifth amendment to the last named bill in said message.

Which motion was also carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Johnston of K.,

Resolved, (the senate concurring herein,) That the two houses will proceed, in the hall of the house of representatives, by joint ballot, to elect three canal commissioners, for the Wabash and Erie canal, at seven o'clock this evening.

Ordered, That the clerk inform the senate of the adoption of the above resolution.

Mr. Brown from the joint committee on enrolled bills, reported,

That they did, on this day, present to the governor for his approval and signature, the following enrolled bills and joint resolutions, to wit:

An act to attach certain territory to the county of Hamilton;

An act for the formation of the counties of St. Joseph and Elk Hart;

An act for the improvement of the Wabash below Vincennes;

An act to exempt from imprisonment for debt, soldiers of the revolutionary war;

A joint resolution of the general assembly concerning the agent of the three per cent. fund;

An act providing for a state road from Noblesville to Logansport, and also from Indianapolis by Pendleton to Andersontown;

An act to appoint Asher Labertew, agent of the reserved township of land in Monroe county, and for other purposes;

An act for the relief of Paul Castleberry, late commissioner on the state road leading from Fredonia to the mouth of the Wabash river;

A joint resolution on the subject of canal lands donated to Indiana by congress.

An act relative to the state road from Rushville, in Rush county, to Lawrenceburgh, in Dearborn county;

An act supplemental to an act organizing the county of Clinton;

An act to relocate part of the state road leading from Rockport to Bloomington;

An act to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state;

An act authorising the sale of one of the reserved townships of land in Monroe county;

An act authorising the board of commissioners of Shelby county to hold special sessions;

An act declaring Little Pigeon creek a public highway;

An act to amend the acts concerning divorces.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has adopted the following resolution:

Resolved, That the senate do reciprocate the resolution of the house of representatives, and will meet them in their hall at seven o'clock this evening, for the purpose of electing three canal commissioners.

The house then proceeded to consider the orders of the day :

The engrossed joint resolution making reciprocal provisions to aid in the prosecution of crimes committed in this state and the adjoining states; was read the third time and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence therein.

The house then resolved itself into a committee of the whole, on the bill regulating medical societies;

And after some time spent therein,

The speaker resumed the chair;

And Mr. Jones reported said bill with one amendment:

Which was read and concurred in by the house; Mr. Crume voting in the negative.

Mr. Boon moved further to amend said bill, by adding thereto the following proviso:

‘Provided, That no person shall become a member of said state medical society, or the district societies, unless he be a graduate from some legally organized medical college, and produce a diploma to said society as evidence thereof.’

Mr. Long then moved to postpone the further consideration of said bill and proposed amendment indefinitely:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Bassett, Beard, Boon, Casey, Coffin, Conner, Crume, Davis of A., Davis of S., Dixon, Gardner, Guion, Hamilton, Hoover, Jack, Jackson of D., Johnston of K., Johnston of T., Jones, Little, Logan, and Long—22.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Blake, Brown, Dumont, Fite, Hall, Hendricks, Herod, Hawk, Hussey, Jackson of S., Ketcham, Kinnard, Levenworth, Leviston, McNary, Moyer,

Noble, Pabody, Parks, Pennington, Polke, Pollock, Read, Slaughter, Smith, Stewart, Wallace of J. and Smiley, *Speaker*—31.

And so said motion was decided in the negative.

The question recurring on the amendment proposed by Mr. Boon:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bassett, Beard, Blake, Boon, Casey, Conner, Crume, Davis of A., Davis of S., Dixon, Fite, Guion, Hamilton, Hendricks, Hoover, Jack, Jackson of D., Johnston of K., Jones, Little, Logan, Long, Parks, Pollock, and Smiley, *Speaker*—26.

And those who voted in the negative, are,

Messrs. Bell, Brown, Coffin, Dumont, Hall, Herod, Hillis, Howk, Hussey, Jackson of S., Johnston of T., Ketcham, Kinnard, Levenworth, Leviston, McNary, Moyer, Noble, Pabody, Pennington, Polke, Read Reiley, Slaughter, Smith, Stewart, Wallace of F. and Wallace of J.—28.

And so said amendment was not adopted.

The said bill was then considered as engrossed, and read the third time; and before the question was taken on the passage of the same,

The house adjourned until 7 o'clock P. M.

7 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Johnston of K.,

Resolved, That the senate be informed that the house of representatives is now ready to meet the senate in the hall of the house, for the purpose of electing three canal commissioners in pursuance of a resolution adopted on this day, and that the seats are provided for the gentlemen of the senate, on the right of the speaker's chair:

When Mr. Johnston of K., was appointed teller on the part of the house.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Dill, their secretary, announcing,

That the senate has adopted the following resolution, viz:

Resolved, That the senate will meet the house of representatives in their hall, instantler, for the purpose of electing three canal commissioners, in pursuance of a resolution adopted on this day.

The senate came down and took their seats on the right of the speaker's chair, and the president of the senate on the right of the speaker.

The two houses then proceeded by joint ballot to the election of three canal commissioners, in pursuance of an act entitled An act providing for the construction of that portion of the Wabash and Erie canal, which lies within the state of Indiana; approved, January , 1830;

And on counting the first ballot, it appeared that for that office,

David Burr	received	66	votes,
Samuel Hanna,		41	"
Jordan Vigus,		41	"
Samuel Lewis,		53	"
Scattering,		23	"

David Burr and Samuel Lewis having received a majority of the whole number of votes given, were, by the president of the senate, in the presence of both houses of the general assembly, declared duly elected canal commissioners, for and during the term of three years, from and after this day.

Neither of the other named persons having received a majority of the whole number of votes given, the two houses then proceeded to a second ballot; on counting which, it appeared that for the said office,

Jordan Vigus received	45	votes,
Samuel Hanna,	32	"
Scattering,	4	"

Jordan Vigus having received a majority of all the votes given, was declared duly elected canal commissioner for and during the term of three years from and after this day.

The senate then retired to their chamber;

And the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 29, 1830.

The house met pursuant to adjournment.

The joint resolution on the subject of the laws for certain new counties therein named, was read the third time, and passed.

Ordered, That the clerk carry it to the senate and ask their concurrence therein.

Mr. Read, after having obtained leave, presented a bill to provide for the distribution of the laws and journals, and for other purposes:

Which was read the first, second and third times, amended by consent, and passed, the rules of the house having first been dispensed with.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

Mr. Boon from the committee on claims, to which was referred the petition of John W. Lee, reported unfavorable to the prayer of the petitioner.

Which report was read, and concurred in by the house.

Mr. Hall made the following report, viz:

The select committee appointed by this house to obtain of President Wylie, a copy of his discourse, delivered on the 17th of January, 1830, at this

place, have performed that duty, and now report a copy of that discourse, together with the accompanying letter from President Wylie.

And the same being read ;

On motion of Mr. Johnston of K., it was

Resolved, That two thousand copies of the address named in said report be printed under the inspection of the secretary of state, and distributed with the laws and journals of the present session of the general assembly, to the members of the respective houses, their secretaries and clerks; and that said secretary furnish President Wylie with fifty copies of said address.

On motion of Mr. Hillis,

The bill to incorporate the managers of the Madison and Indianapolis turnpike company, was taken up; when,

Mr. Herod moved to postpone the further consideration thereof, until the first Monday in December next.

Which motion was decided in the negative.

The said bill was then considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

The house then resumed the consideration of the bill regulating medical societies; when,

Mr. Crume moved to recommit the bill to a select committee, with instructions to amend it by striking out the 4th section thereof, which reads as follows:

'No person not regularly licensed to practice medicine in this state, nor being a licensed practitioner in an adjoining state in which he resides, nor at the passage of this act a resident practitioner of medicine in this state, shall be entitled, after one year from the passage of this act, to recover any thing by law for medicine or professional services, as a physician or surgeon, nor shall any person, not a

member of a district medical society recover any thing for medical counsel after the expiration of one year from the passage of this act. Provided that nothing in this act shall be construed to affect the right of females to practice midwifery, or apothecaries and others, not professing to prescribe or practice medicine, from selling medicine, and recovering payment therefor.

‘This act shall take effect and be in force, from and after its passage.’

Which motion was decided in the negative.

The question recurring on the passage of said bill;

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Blake, Brown, Dumont, Fite, Guion, Hall, Hendricks, Hollis, Hawk, Husey, Jackson of S., Johnston of T., Ketcham, Levenworth, Leviston, Logan, Moyer, Noble, Pabody, Parks, Pennington, Polke, Reiley, Slaughter, Smith, Stewart, Wallace of F., Wallace of J. and Smiley, *Speaker*—31.

And those who voted in the negative, are,

Messrs. Beard, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Finley, Hamilton, Hoover, Jack, Jackson of D., Johnston of K., Jones, Kinnard, Little, Long, Pollock, and Read—20.

And so said bill passed.

Ordered, That the same be entitled an ‘act,’ and that the clerk carry it to the senate, and ask their concurrence therein.

The house then resolved itself into a committee of the whole on the engrossed bill from the senate, entitled ‘an act to organize probate courts and defining the powers and duties of executors and administrators,’ approved, January 23, 1829;

And after some time spent therein,

The speaker resumed the chair, and

Mr. Johnston of T., reported said bill with one amendment;

Which was read and concurred in by the house.

The said bill was then read the third time, further amended by consent, and passed.

Ordered, That the clerk carry it to the senate and ask their concurrence in said amendments.

Mr. Morrison from the committee on enrolled bills reported,

That they have compared the enrolled with the engrossed bills, entitled,

An act for the formation of a new county north of Marion and Hendricks counties;

An act declaratory of the law on the subject of divorces;

An act to amend the act regulating estrays and water crafts going adrift;

An act supplemental to an act to regulate the judicial circuits, and fixing the times of holding courts, passed at the present session;

An act providing for the relocation of the county seat of Sullivan county;

An act supplemental to an act entitled 'an act providing for the location, opening and improvement of certain state roads,' passed at the present session of the general assembly, and for other purposes;

An act relative to navigable streams declared public highways, by the ordinance of congress of 1787; approved, January 23, 1829;

An act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes, in Knox county;

And find the same truly enrolled:

When,

The speaker signed said bills.

Ordered, That the clerk carry them to the senate for the signature of their president.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the bill to change a part of a state road therein named.

The said bill was then considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed an engrossed bill from the house of representatives, entitled,

An act making an appropriation for the improvement of the state road from Indianapolis to Madison; with amendments.

In which amendments the concurrence of the house of representatives is requested.

The senate insist upon all their amendments proposed by them to the engrossed bill from the house entitled 'an act to regulate the militia of the state of Indiana.

The amendments proposed by the senate to the first named bill in said message, were read, and concurred in by the house.

Mr. Howk moved that the house adhere to their disagreement to the amendments proposed by the senate to the last named bill in said message.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives of the following titles, to wit:

An act for the relief of the securities of Samuel Postlewait, late collector of Dubois county;

An act relative to the mill improvement of Lewis A. Davis;

With amendments:

An act to amend an act entitled an act incorporating congressional townships, and providing for public schools therein;

The latter without amendment.

In which amendments the concurrence of the house of representatives is requested.

The amendments proposed by the senate to the two first named bills in said message, were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Long.

The committee of the whole house was discharged from the further consideration of the joint resolution to provide common schools in this state.

The said joint resolution was then considered as engrossed, read the third time, and passed.

Ordered, That the clerk carry it to the senate and ask their concurrence therein.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the memorial of the general assembly of the state of Indiana, on the subject of Sunday mails; when,

Mr. Wallace of J., moved to postpone the further consideration thereof indefinitely:

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Blake, Conner, Finley, Guion Hendricks, Jack, Ketcham, Levenworth, Little, Pabody, Polke, and Wallace of J.--14.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Bence, Boon, Brown, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Dumont, Fite, Gardner, Hall, Hamilton, Herod, Hoover, Hawk, Hussey, Jackson of D., Johnston of K. Johnston of T., Jones, Kingsbury, Kinnard, Leviston, Logan, Long, Moyer, Noble, Parks,

Pennington, Read, Reiley, Smith, Stewart, Wallace of F., and Smiley, Speaker—39.

And so said motion was decided in the negative.

Mr. Crume then moved to amend said memorial by striking out the following words:

‘And whereas, it does appear to this general assembly, that there is a numerous sect of christians, spread over every part of our country, acting in concert, and united under one head, calculated to excite, for although it may be intended for good, yet the history of all ages and nations furnish abundant evidence that legislative interference, however plausible the pretence, has uniformly been dangerous and mischievous, both to the civil and religious liberties of the people, and the entering wedge of of tyranny; being convinced of the correctness of these views, and believing it to be a duty faithfully and vigilantly to guard the rights and principles acquired for us, by the wisdom and bravery of our fathers, and to transmit them as far as lies in our power unimpaired to our children.’

Which motion was carried in the affirmative.

Mr. Crume moved further to amend said memorial by striking out the following words: ‘and more especially so in the deplorable sectarian condition of the christian world.’

Which motion was also carried in the affirmative.

Mr. Beard then moved further to amend said memorial by striking out the whole of the remaining part of the preamble.

Which motion was decided in the negative.

The said memorial was then considered as engrossed, and read the third time; when,

The question was put,

Shall said memorial pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Boon, Brown, Casey, Coffin, Grume, Davis of A., Davis of S., Dixon, Dumont, Finley, Fite, Gardner, Hall, Hamilton, Herod, Hoover, Hawk, Hussey, Jackson of D., Jackson of S., Johnston of T., Jones, Ketcham, Kingsbury, Kinnard, Levenworth, Leviston, Little, Logan, Long, Moyer, Noble, Parks, Pennington, Read, Reiley, Stewart, Wallace of F. and Smiley, Speaker—42.

And those who voted in the negative, are,

Messrs. Bassett, Blake, Guion, Jack, Johnston of K., Pabody, Polke, and Wallace of J.—9.

And so said memorial passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor, to inform the house of representatives, that he did, on this day, approve and sign the following bills, viz:

An act to attach certain territory to the county of Hamilton;

An act for the formation of the counties of St. Joseph and Elk Hart;

An act for the improvement of the Wabash below Vincennes;

An act to exempt from imprisonment for debt, soldiers of the revolutionary war;

An act relative to the state road from Rushville, in Rush county, to Lawrenceburgh, in Dearborn county;

An act supplemental to an act organizing the county of Clinton;

An act to relocate part of the state road leading from Rockport to Bloomington;

An act legalizing the proceedings of the superintendent of a school section therein named;

An act to incorporate the White Water and Miami turnpike company;

An act to change the mode of doing county business in the county of Delaware and for other purposes;

An act providing for taking a list of the taxable property and polls in Vermillion county, and for other purposes;

An act relative to Twin creek;

An act for the formation of a new county east of Tippecanoe county;

An act to legalize the proceedings of the probate court of the county of Pike;

An act in relation to certain ferries;

An act to legalize the proceedings of the school commissioner of Madison county.

All of which originated in the house of representatives.

The Speaker laid before the house a communication of Jordan Vigus and David Burr, canal commissioners, on the subject of reservations on the canal line:

Which was read, and

Ordered To lie on the table.

On motion of Mr. Pennington,

The committee of the whole house was discharged from the further consideration of the bill respecting arrearage of seminary fines, and the said bill postponed until the first Monday in December next.

Mr. Johnston of K., after having obtained leave, presented a joint resolution relative to the Wabash and Erie canal lands:

Which was read the first, second and third times, and passed, the rules of the house having first been dispensed with.

Ordered. That the clerk carry it to the senate, and ask their concurrence therein.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has passed an engrossed bill and joint resolution from the house of representatives, entitled as follows, viz:

An act authorizing the distribution of the laws and journals, and for other purposes; and

A joint resolution relative to a certain number of the acts of 1824;

Without amendment.

A message was received from the senate, by Mr. Dill, their secretary, announcing,

That the senate has passed an engrossed bill, entitled 'an act supplemental to an act entitled an act providing means to construct that portion of the Wabash and Erie canal within the state of Indiana;

In which the concurrence of the house of representatives is requested.

The bill named in the said message, which provides for the appointment of Samuel Hanna, of Fort Wayne, as a fourth canal commissioner, was read the first time; when,

Mr. Pennington moved to reject the same:

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Brown, Casey, Coffin, Crume, Davis of A., Davis of S., Dixon, Fite, Gardner, Guion, Hall, Hamilton, Hawk, Jack, Jackson of D., Jackson of S., Johnston of K., Johnston of T., Jones, Long, Ketcham, Kingsbury, Kinnard, Levenworth, Little, Logan, Moyer, Parks, Pennington. Polke, Pollock, Slaughter, Stewart and Smiley,
Speaker—37.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Blake, Boon, Conner, Dumont, Finney, Hendricks, Hoover, Hussey, Leviston, Noble, Pabody, Rariden, Read, Reiley, Wallace of F., and Wallace of J.—18.

And so said bill was rejected.

The speaker laid before the house the report of D. Price, trustee of the seminary fund of Franklin county:

Which was read, and

Ordered To lie on the table.

And then the house adjourned until 1 o'clock P. M.

1 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Long after having obtained leave, presented a bill to organize the militia of the counties of Hancock, Delaware, Randolph and Warren:

Which was read the first, second and third times, and passed, the rules of the house having been dispensed with.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

The house resolved itself into a committee of the whole on the engrossed bill of the senate, entitled 'an act to authorise the sale of the school lands, and for other purposes, approved, January 23d, 1829.

And after some time spent therein,

The speaker resumed the chair, and

Mr. McNary reported said bill with one amendment:

Which was read and concurred in by the house;

When,

Mr. Brown moved further to amend said bill by striking out the fourth section, and inserting in lieu thereof the following:

That whenever a majority of the qualified voters in any township shall fail to meet in pursuance of a public notice, given, agreeable to the provisions of the act to which this is an amendment, a second notice may in like manner be given; and any num-

ber of voters not less than twenty having met in pursuance of said notice may proceed as if a majority were present.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative, are,

Messrs. Armstrong, Brown, Crume, Finley, Hall, Herod, Hoover, Hussey, Jack, Jackson of D., Jones, Kingsbury, Leviston, Long, Pabody, Parks, Pennington, Pollock, Stewart, and Smiley, Speaker—20.

And those who voted in the negative, are,

Messrs. Beard, Bell, Bence, Blake, Casey, Coffin, Conner, Davis of A., Dixon, Dumont, Fite, Gardner, Guion, Hamilton, Hillis, Hawk, Johnston of K., Johnston of T., Ketcham, Kinard, Levenworth, Logan, McNary, Moyer, Noble, Polke, Read, Slaughter, Smith, Wallace of F., and Wallace of J.—31.

And so said motion was decided in the negative.

The said bill was then read the third time: when, Mr. Brown moved to postpone the further consideration thereof indefinitely.

Which motion was decided in the negative.

The question recurring on the passage of said bill:

It was carried in the affirmative.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed an engrossed bills from the house of representatives, of the following titles, to wit:

An act regulating medical societies; and

An act for the benefit of the inhabitants of a certain township therein named:

With amendments.

In which the concurrence of the house is requested.

The amendments proposed by the senate to the bills named in said message, were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has adopted the following resolution:

Resolved, That the senate reciprocate the resolution of the house of representatives, and will adjourn *sine die*, on Saturday the 30th inst.

On motion of Mr. Pennington,

The committee of the whole house was discharged from the further consideration of the engrossed bill from the senate to authorise the boards doing county business, to improve the navigation of streams; and the said bill was postponed until the first Monday in December next.

The following message was received from the governor by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am instructed by his excellency, the governor, to inform the house, that he did, on this day, approve and sign

An act providing for the relocation of the county seat of Sullivan county.

On motion of Mr. Gardner,

The committee of the whole house was discharged from the further consideration of the bill to amend an act entitled 'an act providing for the sale of the school lands, and for other purposes; and the said bill was postponed indefinitely.

Mr. Brown from the joint committee for enrolled bills, reported,

That they did, on this day, present to the gover-

nor for his approval and signature, the following enrolled bills, entitled acts, to wit:

— An act supplemental to an act regulating the judicial circuits, and fixing the times of holding courts, passed at the present session;

An act to incorporate a company to make a turnpike road from New Albany, in Floyd county, by Greenville, Paoli, Mount Pleasant and Washington, to Vincennes, in Knox county;

An act supplemental to an act entitled 'an act providing for the location, opening and improvement of a certain state road,' passed at the present session of the general assembly, and for other purposes;

An act providing for the relocation of the county seat of Sullivan county;

An act to amend the act regulating estrays and water crafts going adrift;

An act relative to navigable streams declared public highways, by the ordinance of congress of 1787; approved, January 23, 1829;

An act declaratory of the law on the subject of divorces;

An act for the formation of a new county north of Marion and Hendricks counties;

The following message was received from the governor by Mr. Griffith his private secretary:

MR. SPEAKER:

I am requested by the governor, to inform the house of representatives that he did on this day approve and sign the following bills, joint resolution, and joint resolution and memorial, viz:

An act to authorise the qualified voters of the different townships in the county of Harrison, to elect their township officers;

An act authorizing asylums for the poor in the counties of Washington and Dearborn;

An act to amend an act entitled 'an act establish-

ing a state road from Shelbyville to intersect the Madison state road in Jennings county; approved, January 19, 1828;

A joint resolution allowing compensation to Philip Hedges for distributing the laws and journals;

A memorial and joint resolution of the general assembly of the state of Indiana, on the subject of extinguishing the Indian title to lands within this state, and of removing the Indians beyond the Mississippi.

On motion of Mr. Dumont,

The committee of the whole house was discharged from the further consideration of the bill regulating mill dams and navigable streams; and the said bill was postponed until the first Monday of December next.

The house resolved itself into a committee of the whole, on the bill to provide for the erection of a state house in the town of Indianapolis, and for other purposes:

And after some time spent therein,

The speaker resumed the chair, and

Mr. Ketcham reported the said bill with sundry amendments:

Which were severally read and concurred in by the house: when,

Mr. Hall moved to postpone the further consideration of said bill untill the first Monday in December next.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Bassett, Beard, Bence, Casey, Coffin, Fite, Hall, Hamilton, Hendricks, Hoover, Hawk, Jack, Johnston of K., Ketcham, Levenworth, Leviston, Logan, Moyer, Parks, Pennington, Bariden, Smith, and Stewart—23.

And those who voted in the negative, are,

Messrs. Armstrong, Bell, Blake, Brown, Conner, Crume, Davis of A., Davis of S., Dixon, Dumont, Finlev, Herod, Hillis, Hussey, Jackson of D., Johnston of T., Jones, Kinnard, Little, Long, Noble, Pabody, Polke, Read, Wallace of F., Wallace of J. and Smiley, *Speaker*—27.

And so said motion was decided in the negative.

The said bill was then considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Conner,

The committee of the whole house was discharged from the further consideration of the bill for the relief of the purchasers of land in the seminary townships in Gibson and Monroe counties, and for other purposes; and the said bill was postponed until the first Monday in December next.

On motion of Mr. Wallace of J.,

The committee of the whole house was discharged from the further consideration of the bill reducing into one, all laws now in force on the subject of assessing and collecting the revenue; and the said bill was postponed until the first Monday in December next.

On motion of Mr. Wallace of J.,

The committee of the whole house was discharged from the further consideration of the bill to improve the state road from Cynthiana to the mouth of the Kentucky river; and the said bill was postponed indefinitely.

On motion of Mr. Noble,

The committee of the whole house was discharged from the further consideration of the bill to appropriate a part of the three per cent. fund to aid in constructing a bridge across the east fork of White Water river, at Brookville; and said bill

Ordered To lie on the table.

On motion of Mr. Wallace of J.,

The committee of the whole house was discharged from the further consideration of the bill making a certain appropriation therein named; and said bill

Ordered To lie on the table.

On motion of Mr. Smith,

The committee of the whole house was discharged from the further consideration of the bill for the improvement of the road leading from Versailles, in Ripley county, to Brookville, in Franklin county; and said bill

Ordered To lie on the table.

On motion of Mr. Crume,

The committee of the whole house was discharged from the further consideration of the bill providing for the election of constables.

The said bill was then considered as engrossed, read the third time, and passed.

Ordered, That the same be entitled an 'act,' and that the clerk carry it to the senate, and ask their concurrence therein.

On motion of Mr. Long,

The committee of the whole house was discharged from the further consideration of the bill to locate and open a state road from Martinsville, in Morgan county, to Crawfordsville, in Montgomery county; and said bill

Ordered To lie on the table.

On motion of Mr. Pennington,

The committee of the whole house was discharged from the further consideration of the bill respecting a revision of the constitution of this state; and said bill

Ordered To lie on the table.

On motion of Mr. Hillis,

The committee of the whole house was discharged from the further consideration of the engrossed joint resolution from the senate, memorializing con-

gress upon the subject of colonizing the free people of color; and said joint resolution was postponed indefinitely.

On motion of Mr. Levenworth,

The committee of the whole house was discharged from the further consideration of the joint resolution on the subject of the eminent domain.

The said joint resolution was then considered as engrossed, and read the third time: when,

The question was put,

Shall said joint resolution pass?

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative, are,

Messrs. Armstrong, Bell, Bence, Boon, Davis of A., Davis of S., Dumont, Fite, Guion, Hall, Hendricks, Hillis, Jackson of D., Johnston of K., Johnston of T., Ketcham, Kinnard, Levenworth, Leviston, Logan, Long, Moyer, Parks, Pennington, Read, Smith, Stewart, Wallace of J. and Smiley, Speaker—29.

And those who voted in the negative, are,

Messrs. Bassett, Beard, Brown, Coffin, Conner, Crume, Finley, Hamilton, Hawk, Jack, Jackson of S., Jones, Little, Noble, Pabody, Polke, Pollock, Rariden, and Wallace of F.—19.

And so said joint resolution passed.

Ordered, That the clerk carry it to the senate and ask their concurrence therein.

A message was received from the senate, by Mr. Ray, their enrolling secretary, announcing,

That the senate have concurred in the amendment made by the house of representatives to the bill of the senate to amend an act, entitled 'an act to authorise the sale of the school lands, and for other purposes;'

With an amendment; to which the concurrence of the house of representatives is requested.

The senate has also passed a bill of the house to

organize the militia of the counties of Hancock, Delaware, Randolph and Warren;

With amendment; to which the concurrence of the house of representatives is requested.

The senate also agree to the amendments proposed by the house to the probate bill of the senate.

The amendments proposed by the senate to the bills named in said message, were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Morrison, from the joint committee for enrolled bills, reported—

That they have compared the enrolled with the engrossed bills, entitled

An act relative to the river St. Mary's;

An act to extend a certain act therein named to the county of Warren;

An act for the relief of the securities of Samuel Postlewait, late collector of Dubois county;

A joint resolution relative to a certain number of the acts of 1824;

An act making an appropriation for the improvement of the state road from Indianapolis to Madison;

An act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace;

An act authorising the leasing of French Lick reserve in Orange county;

An act to amend the act entitled, 'an act incorporating congressional townships, and providing for public schools therein;'

An act to establish a state road from Jeffersonville state road, on the west side of Silver creek, to the lower falls of the Driftwood forks of White river:

And find the same truly enrolled.

When,

The speaker signed said bills, &c.

Ordered, That the clerk carry them to the senate for the signature of their president.

Mr. Davis of S., from the select committee, to which was referred a resolution of this house, and a remonstrance of John Wheatly and others of Johnston county, reported, that they have had the same under consideration, and are of opinion, that it is inexpedient to legislate thereon at this time; and ask to be discharged from the further consideration thereof.

The said report was read and agreed to; and the committee were discharged from the further consideration thereof.

The remonstrance was then

Ordered To lie on the table.

Mr. Kinnard made the following report, viz:

The select committee, appointed to take into consideration so much of the governor's message, as relates to a resolution of the last general assembly, on the subject of the eminent domain, report:

That they have duly re-examined and re-considered the resolution of the last session, asserting the right of the state of Indiana, to the unappropriated lands within her limits; and find it to be our indispensable duty, to adhere to the same, as founded in truth, as consonant with the constitution, and conducive to its preservation, and to the security, the rights and welfare of this state. The committee view the aforesaid resolution as altogether consistent with that warm affection to the union and its members, and with that scrupulous fidelity to the constitution of the United States, which are felt by the people of Indiana. With these sentiments the subject was first introduced: and the position which the general assembly has assumed, is the strongest evidence of the sincerity of these professions of regard for the authority and laws of the union, as well as for the essential rights of state sovereignty. Inasmuch as this subject was fully discussed at the

last session of the general assembly, and has been duly investigated during the present session, by a committee appointed to consider the prosecutions by the United States, against trespassers upon the unappropriated lands, your committee believe it to be unnecessary, at this time to go into a review of the arguments and principles, by which the claim of the state of Indiana, to the eminent domain can be sustained. The committee, therefore, ask to be discharged from the further consideration of the subject.

Which report was read, and concurred in by the house.

Ordered, That said committee be discharged from the further consideration of the subject.

Mr. Ketcham asked and obtained leave to withdraw the petition of James Mitchell.

Mr. Morrison from the joint committee on enrolled bills reported,

That they have compared the enrolled with the engrossed bills, entitled,

An act regulating medical societies;

An act authorising the leasing of Jackson's Lick, in Monroe county;

And find the same truly enrolled:

When,

The speaker signed said bills.

Ordered, That the clerk carry them to the senate for the signature of their president.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has passed engrossed bills from the house of representatives, entitled as follows, to wit:

An act making specific appropriations for the year 1830;

An act to establish a certain state road therein named;

An act supplemental to an act entitled an act to relocate the seat of justice of Dubois county, approved, January 21, 1830; with amendments.

In which amendments the concurrence of the house is requested.

The amendments proposed by the senate to the first named bill in said message, were all read and agreed to by the house, except two, which were disagreed to.

The amendment proposed by the senate to the 2d named bill in said message was read and agreed to, except so much thereof as relates to the town of Fredonia, which was disagreed to by the house.

The amendment proposed by the senate to the last named bill in said message was read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the following engrossed memorial, from the house of representatives, entitled a memorial of the general assembly of the state of Indiana on the subject of Sunday mails, without amendment.

Mr. Morrison from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled:

An act for the benefit of the inhabitants of a certain township, in Gibson county;

An act authorizing the distributing of the laws and journals, and for other purposes;

And find the same truly enrolled.

When the speaker signed said bills.

Ordered, That the clerk carry them to the senate for the signature of their president.

Mr. Brown from the joint committee on enrolled bills reported, that they have, on this day, presented to the governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act relative to the river St. Mary's;

An act to extend a certain act therein named to the county of Warren;

An act for the relief of the securities of Samuel Postlewait late collector of Dubois county;

A joint resolution relative to a certain number of the acts of 1824;

An act making appropriation for the improvement of the state road from Indianapolis to Madison;

An act amendatory to the several acts, regulating the jurisdiction and duties of justices of the peace.

An act authorizing the leasing of the French Lick, in Orange county;

An act to amend the act entitled an act incorporating congressional townships and providing for public schools therein;

An act to establish a state road from Jeffersonville state road, on the west side of Silver creek to the lower falls of the Drift-Wood forks of White river;

An act authorising the leasing of Jackson's lick, in Monroe county;

An act regulating medical societies.

And then the house adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

The house met pursuant to adjournment.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing—

That the senate *adhere* to the 14th amendment proposed by them, to the engrossed bill of the house, entitled,

An act making specific appropriations for the year 1830. and recede from the 13th amendment, proposed by them to said bill;

And that they also adhere to the amendment proposed by them to the engrossed bill of the house, entitled;

An act to establish a certain state road therein named, which amendment was by making Fredonia a point in said road.

Mr. Wallace of J. moved that the house recede from their objections, to the 14th amendment proposed by the senate, to the first named bill in said message.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

Mr. Pennington moved that the house adhere to their disagreement to the amendment, to the amendment proposed by the senate to the last named bill, in said message.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the the senate thereof.

On motion of Mr. Evans, it was

Resolved unanimously, That the thanks of this house be presented to the Hon. Ross Smiley, for the able, dignified and impartial manner in which he has presided over its deliberations during the present session.

Mr. Morrison from the joint committee on enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled:

A memorial of the general assembly of the state of Indiana, on the subject of Sunday mails;

An act to amend an act to organize probate courts, and defining the powers and duties of executors and administrators, approved, January 23, 1829;

An act to amend an act entitled, "an act to authorize the sale of the school lands, and for other purposes," approved, January 23, 1829.

And find the same truly enrolled.

When,

The speaker signed said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate has reconsidered their vote, adhearing to the amendment proposed by them to the engrossed bill of the house, entitled,

An act to establish a certain state road therein named, which made Fredonia a point on said road, and has receded from their amendment.

And that the senate has passed an engrossed bill of the house entitled,

An act providing for the election of constables;

With amendments, in which the concurrence of the house is requested.

The amendments proposed by the senate to the last named bill, in the above message, were read and agreed to.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until to-morrow morning 7 o'clock.

SATURDAY MORNING, JANUARY 30, 1830.

The house met pursuant to adjournment.

Mr. Brown from the joint committee on enrolled bills, reported that they did on this day present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act for the benefit of the inhabitants of a certain township in Gibson county;

An act authorizing the distributing of the laws and journals, and for other purposes;

An act to amend an act entitled an act to authorize the sale of the school lands, and for other purposes, approved, January 23d, 1829;

An act to amend an act to organize probate courts, and defining the powers and duties of executors and administrators, approved, January 23, 1829;

A memorial of the general of the state of Indiana, on the subject of Sunday mails.

Mr. Brown from the joint committee on enrolled bills, report that they have compared the following enrolled, with the engrossed bills, entitled,

An act supplemental to an act, entitled an act to relocate the seat of justice of Dubois county, approved, January 21, 1830;

An act to organize the militia of Hancock, Delaware, Randolph and Warren counties;

An act providing for the election of constables;

An act to establish a certain state road therein named;

An act making specific appropriations for the year 1830;

And find the same truly enrolled.

When,

The Speaker signed said bills.

Ordered, That the clerk carry said bills to the senate, for the signature of their president.

On motion of Mr. Pennington,

Resolved, That a committee be appointed to join such committee as may be appointed on the part of the senate, to wait on the Governor, and inform him, that the two houses have gone through their legislative business, and are ready to adjourn, if he has no further communications to make to them; and that the senate be informed thereof; and a similar resolution on their part requested; when,

Messrs. Pennington and Read were appointed said committee.

Ordered, That the clerk inform the senate thereof.

Mr. Brown from the joint committee, for enrolled bills, reported, that he did on this day, present to the Governor, for his approval and signature, the following enrolled bills, entitled as follows, to wit:

An act to organize the militia of Hancock, Delaware, Randolph and Warren counties;

An act supplemental to an act entitled an act to relocate the seat of justice of Dubois county, approved, January 21st, 1828.

An act providing for the election constables;

An act to establish a certain state road therein named; and,

An act making specific appropriations for the year 1830.

The following report was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor to inform the house of representatives, that he did on the 29th inst. approve and sign the following bills, entitled act, viz:

An act for the formation of a new county, north of Marion and Hendricks counties;

An act to amend the act regulating estrays and water crafts going adrift;

An act supplemental to an act to regulate the judicial circuits and fixing the times of holding courts, passed at the present session;

I am also requested to inform the house, that he did on this day, approve and sign the following bills:

An act to amend the act entitled an act incorporating congressional townships, and providing for public schools therein;

An act regulating medical societies;

An act making an appropriation for the improvement of the state road from Indianapolis to Madison:

An act relative to the river St. Mary's;

An act authorising the distributing of the laws and journals and for other purposes;

An act for the benefit of the inhabitants of a certain township, in Gibson county;

An act authorizing the leasing of Jackson's Lick, in Monroe county;

An act to establish a state road from Jeffersonville state road on the west side of Silver creek to the lower falls of the Drift-Wood fork of White river;

An act authorising the leasing of the French Lick reserve, in Orange county;

An act for the relief of the securities of Samuel Pastlewait, late collector of Dubois county;

An act amendatory to the several acts, regulating the jurisdiction and duties of justices of the peace.

The following message was received from the Governor, by Mr. Griffith, his private secretary:

MR. SPEAKER:

I am requested by the Governor to inform the house of representatives, that he did, on this day, approve and sign the following bills, joint resolution and memorial, viz:

An act to organize the militia of Hancock, Delaware, Randolph and Warren counties;

An act supplemental to an act, entitled an act to relocate the seat of justice of Dubois county, approved, January 21, 1830;

An act to establish a certain state road therein named;

An act providing for the election of constables;

An act making specific appropriations for the year 1830.

A joint resolution relative to a certain number of the acts of 1824;

A memorial of the general assembly of the state of Indiana, on the subject of Sunday mails.

A message was received from the senate by Mr. Morris, their assistant secretary, announcing,

That the senate have adopted the following resolution:

Resolved, That the senate do reciprocate the resolution of the house of representatives, appointing a committee to wait upon the governor, and inform him that both houses having gone through with their legislative business, are ready to adjourn *sine die*: *Provided*, he should have no further communication to make to them, and have appointed Messrs. Ewing and Robb, that committee, on the part of the senate.

Mr. Pennington, from the joint committee, appointed to wait on the governor, in pursuance of the resolutions adopted by the two houses, on that subject, reported, that said committee have performed the duty assigned them, and have received for answer, that he has no further communication to make to them.

On motion of Mr. Pennington,

Resolved, That the senate be informed, that the house of representatives have gone through the business before them, and are now ready to adjourn *sine die*, and a similar resolution on their part be requested.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Morris, their assistant secretary, announcing,

That the senate has adopted the following resolution, to wit:

Resolved, That the house of representatives be informed that the senate reciprocate their resolution, upon the subject of adjournment, and that the senate are now ready to adjourn *sine die*.

Mr. Pennington then moved that this house do now adjourn *sine die*; when the Speaker rose from his chair, and addressed the house as follows:

Gentlemen of the House of Representatives:

The labors of the present session, are at length brought to a close, and the pleasing prospect of soon returning to our families and friends, now presents itself.

Before we separate from the theatre of our public action, where it is not probable we shall all ever meet again, you will permit me to avail myself of the opportunity of again tendering to you, my sincere acknowledgments, and to express with increased gratitude, the weighty obligations I am under to you, collectively and individually, for that preferment with which you have been pleased to honor me, not only for the confidence manifested by electing me to preside over our deliberations, but also for the very flattering testimonial of your approbation as expressed in the resolution recently adopted.

If my official services may have met with your approbation, as expressed in the resolution referred to, I cannot be so vain as to presume that the merit all belongs to myself—the burthen of the chair has been rendered less arduous, and the business greatly facilitated by that generous aid and indulgence so liberally extended to me on all occasions.—And be assured that the unremitting marks of your personal friendship, so strikingly manifested throughout the session, shall be, by me, cherished and remembered, with the warmest feelings of my heart, and adverted to as one of the happiest events of my life.

Much business both of a general and local nature has been transacted at this session; perhaps more than at any preceding legislature of this state. Whether our acts will all comport with the best interests of the state, and meet the approbation of our constituents, time alone can determine.—One consolation we have—that our productions have been the result of caution and due reflection—and have all acted under the ardent zeal and desire of promoting the best interest of the state.

But, if in the course of the session, any unfriendly feelings may have been excited on the part of any of us; permit me earnestly, to request that those feelings may now cease, and the causes which may have excited them, be forever buried in

oblivion—and that the friendship and acquaintance naturally formed amongst us, while laboring together in the service of our common country, may be cherished by each one of us to our latest breath.

The time has now arrived, that we must part—gentlemen, you will accept and bear with you to your respective homes, assurance of my best wishes and prayers for your present and future prosperity and happiness.

And then the house adjourned *sine die*.

J. F. D. LANIER,

Clerk of the House of Representatives

See p. 116

APPENDIX (A.)

REPORT

OF

CANAL COMMISSIONERS.

To the Honorable, the General Assembly of the State of Indiana:

The Board of Commissioners of the Wabash and Miami Canal, respectfully report:

That on the 25th of May last, the Board was organized under the provisions of the act concerning the Wabash and Miami canal, approved, January 23d, 1829, by the Commissioners entering into bonds, for the performance of their official duties; approved by the Governor of the state, and appointing David Burr, President of the Board, and acting commissioner.

From the facts that the canal route, had been located mostly before the public lands, in which it is situated, had been surveyed into sections, that no plats of the route had been made at that time, either by the Commissioners or the Engineer Department, except from the mouth of Little river, to Fort Wayne; that the route had been marked only by Bench marks, generally one mile distance from each other, and its intersections with the lines of the surveys of the public lands never ascertained by any admeasurement whatever, the Board were under the necessity of having the route surveyed and marked out, before plats could be made, which would have been safe to rely on in a division of the lands, or satisfactory to the general government. They therefore directed the acting commissioner, to employ a surveyor and assistants, and survey the canal line, and ascertain its intersections with the lines of the surveys of the public lands; which was done as soon as the completion of the surveys of the lands adjoining the canal line, enabled them to procure the maps and field notes necessary to effect that purpose; correct plats were then made out and forwarded to the Commissioner of the General Land Office.

The Board, on the 26th May last, addressed a letter to the Commissioner of the General Land Office, on the subject of selecting and setting apart the canal lands. His answer to the inquiries made, was received in July last, and enclosed an extract of a letter to Gov. Edwards, of Illinois, on the subject of the canal lands in that state, which he suggested as the basis of an equitable division, to be pursued in regard to the canal lands in Indiana; stating also, that no positive opinion could be given, until the plats of the route were received. The proposition suggested, limited the share of the state, to alternate tiers of sections, running back five miles on each side of the canal line, and would have given for the share of the state, 520 sections, a quantity less than what the Commissioners supposed the state entitled to receive, under the provisions of the act of Congress, of March 2d, 1827.

After the plats were completed and a selection made of the first tier of sections for the state, a proposition was forwarded to the Commissioner of the General Land Office, to select the lands according to the following principles: To lay off a line at right angles to the general course of the route, five miles on each side of the terminating points. To connect the extreme points of these lines at right angles, by sides parallel to the courses and distances of the route. To consider the fractional sections on each side of the rivers as equal to entire sections. To make the selection by entire sections, in tiers of sections running North and South alternately, on the canal line, from one boundary line to the other, and to avoid throwing the outside sections into unsalable portions, where they were intersected by boundary lines, to calculate the areas of the intercepted part, and in the division, when the included areas amounted to 320 acres, for the state to take the first entire section, and keeping an account of the excess or deficiencies, adjust the selection to an equal division, by taking or leaving the first entire section, intersected by the boundary lines in the tiers selected for the state, when the included quantity was more or less than a half section.

The Board supposing that the above mode of selecting the state lands, would meet the approbation of the Commissioner of the General Land Office, in conforming as nearly as practicable to the mode suggested in his communication of the 15th of June, and claiming for the state, a quantity of lands, equal to the amount only, which would have been received if the ceded tract had been surveyed into sections, with the outside section lines, five miles from, and parallel to the canal route, made out maps of the canal grant, exhibiting the particular lands

selected for the share of the state; which have been forwarded to the Commissioner of the General Land Office, and submitted for his approval.

The manner of selecting the state lands, suggested by the Commissioner of the General Land Office, in his communication of the 15th of June last, was to select, in tiers of sections, and for the state to select the first or second tier, which would determine the shares of both parties, to all the lands in the canal donation. The western termination of the canal route was located by Col. Moore, in Sec. No 9, Township No. 24 N. Range No 3 W. But upon examination, to select the first section for the state, it was found that there was no perceptible difference in the depth of the Wabash river, between sections 9 and 10, and that the cost of constructing a basin in section 10, would be less than in section 9, and that if section 10 were selected for the state and the location of the route discontinued from that section, the state would own the section at the termination of the route, and would avoid selecting the 16th section, in all the townships situated within the limits of the canal grant. The board therefore changed the location, so as to terminate at the section line, between sections 9 and 10, and selected section No. 10 in Township No. 24 N. Range No. 3 W. for the first section for the state; and made the division accordingly, omitting all reservations, and lands sold by the general government.

After the selection of the state lands had been made, but before the maps exhibiting the selection had been forwarded, the Board received a proposal from the Commissioner of the General Land Office, to select the lands for the state in tiers of sections running North West and South East, diagonally across the surveys; which would make the division of the canal lands by alternate sections, North, South, East and West, and which if adopted would allot to the share of the state, the 16th sections in the canal grant.

This proposition has not been acceded to, and with their selection of the lands, the Board have forwarded a reply, stating their objections to a division being made by alternate sections, as making an unequal division of the shares of each party, of the lands on the canal line, and lessening the value of the fractional sections on the rivers, by having the sections immediately North or South of them, owned by different parties, and offered for sale at different times and places; and that the Board considering that the 16th sections had been previously appropriated for school purposes, did come within the meaning of the act, granting the five alternate sections, to

aid in constructing the canal—had made an alteration in the location of the route, to avoid selecting them for the state, and that if he considered the law imperative, in regard to the selections being made alternately North, South, East and West, or the reasons advanced insufficient to select by tiers of sections running North and South, to allow the board to reconsider the selection of section No. 10, and select section No. 9, the original location, as the first section for the state, and the one which would have been selected, if his intentions of having the division made by alternate sections, North, South, East and West had been previously understood.

From the liberal spirit, manifested in the correspondence on the subject of the canal donation, by the Commissioner of the General Land Office, the Board feel assured, that the division of the lands, made by them, and forwarded, will be satisfactory, and receive his approval.

According to the division of the lands made by the board, the amount claimed for the state, under the provisions of the act of Congress, of March 2d, 1827, is 557 sections, including reservations and sold lands.

The amount of sold lands, falling to the share of the State, 11,478 acres, 78 hundredths.

The amount of lands reserved to individuals, made permanent by treaty, is supposed to be 14,690 acres.

The amount of lands located under the direction of the President of the United States, for certain individuals, on lands, which in the selection made, would otherwise have fallen to the share of the State, 3,360 acres.

The amount of lands, which would be disposable by the State, omitting sold lands and reservations, 234,143 acres.

The board have been informed, in their correspondence with the Commissioner of the General Land Office, on this subject, that no power is vested in the executive of the United States, to authorize the selection of other lands, for those which have been sold by the general government, in the land district, which would otherwise, have fallen to the share of the State; and, that further legislative proceedings by Congress, are necessary before such a selection can be made.

The amount of lands reserved to individuals, are considered by the board, to stand in a similar situation, and that it would be important to the interests of the State, to have the authority to make such a selection before the government lands, in the canal district, are sold; as it is believed, that it would be difficult to select an equal quantity of the same value, beyond the limits of the ceded tract.

The Indian Reservations, within five miles of the canal line, contain about 143 sections of land, which will belong to the State, after the Indian title has been extinguished. From their superior advantages of soil, the board are of opinion, that the interests of the State, would suffer in exchanging her claim to these lands, for an equal quantity of government lands, in any part of the State; and that as soon as the sales of the lands in the canal district, and the construction of the work draws through and around their settlements, a civilized population, the Indians will willingly sell their lands, and retire; and that as the construction of the canal, cannot be supposed to lessen their value, the interests of the general government, as well as of the State, will hasten the early extinguishment of their title.

From the progress made in the selection of the canal lands, it appears that the State will have, in a short time, (under any mode of division which may be adopted,) about 234,000 acres.

If these lands should be put in market, and sold for cash, before the commencement of the canal has enhanced their value, and before the State has given any assurance, that it will be constructed within a limited time, it is highly probable that the sums which they would command, would be too small, after having parted with the lands, for the State to construct the work without resorting to loans and taxations, which would be burthensome and oppressive.

With this belief, and that a sale is highly necessary, both to create a fund, and facilitate the settlement of the canal lands, for the production of the supplies of provisions which will be demanded in the progress of the work, the board are of opinion, that under existing circumstances, a sale of lands on credit, would be of more advantage to the State.

If the lands were divided from examination, into four classes, rated from soil and situation, with minimum prices fixed, at one, two, three, and four dollars per acre, and offered for sale on credit, until ten years after the time of the first sale, payable one fifth part at the time of purchase, and the remainder in equal annual instalments, with interest annually in advance, the lands to revert to the State in cases of non-payment, the board are of opinion, that with provisions made to employ the funds, arising from the sales, in constructing the work, as soon as the cash on hand would prudently admit the different sections to be placed under contract, that in three years, the sales of the disposable lands, (the 234,000 acres,) would amount to \$468,000, and that the construction of the canal would

place the means of payment so much in the power of the purchasers, that forfeitures would not occur.

On the supposition, that these lands are offered for sale in September, 1830, and sold in equal quantities in each year, they would produce, including sales and interest, in cash:

In 1831,	\$38,688
“ 1832,	57,907
“ 1833,	77,080
“ 1834,	58,953

\$232,628

And leave in notes, \$283,628, due to the State.

The cost of constructing the Feeder and summit section between the St. Josephs' and Wabash rivers, was estimated at \$187,814. If deemed advisable, by the legislature in the opinion of the board, this portion of the canal route might be put under contract, for excavation, in 1831, and rely on the proceeds of the sales, to meet the payments, to have it completed in 1834.—Within that period, it is no violent presumption to believe, that the title of the Indian Reservations will be extinguished. These lands constitute the best part of the canal grant, and before the time of their sale, enhanced as they will be, by the construction of the canal, and adjoining improvements, are estimated to sell readily for cash, for \$300,000, which, added to 460,000, the amount of land sales, and \$42,101, one half of the interest arising from the estimated sales, for the first six years, amounts to \$302,101; which, if applied directly to constructing the canal, would so far complete it, that it would be easy to have the remainder finished on a pledge for its tolls, or at that time if it should be preferred, to have the work under the immediate control of the State, with her then increased wealth and population, she would have it completely in her power to provide the means to raise a loan sufficient to complete the unfinished portion, until the tolls would meet the interest, and discharge the debt, without any increase to the taxes which are now necessary for the ordinary expenditures of the State.

The employment by the State, of a competent practical engineer, will be necessary before any portion of the canal route can be put under contract, with safety to its interests. The lines surveyed, although sufficient to ascertain the practicability and cost of the present location, are too limited to determine the exact position where economy will require them to be placed.

Accompanying this report, is the Memoir of Colonel Stans-

bury, (United States' Civil Engineer,) giving an account of the continuation of the canal route, from the State line, through Ohio, to the foot of the rapids on the Maumee.

Herewith is presented an account of the expenditures of the current year, marked (A.)—It will be seen that the expenditures exceed the amount of the last years appropriation to a considerable amount. It is hoped, however, that your honorable body, when apprised of the additional labors necessarily performed to those contemplated in the act of the last general assembly, will be satisfied that no expense has been incurred by the board to the State, not necessary, in a correct discharge of the duties enjoined upon them. But conscious, had they pursued a course at variance with the one adopted by them, the object of the last general assembly would have been defeated.

The whole, is therefore, respectfully submitted for your consideration.

DAVID BURR,
SAMUEL HANNA,
JORDAN VIGUS.

Indianapolis, December 15, 1829.

MEMOIR.

In obedience to instructions from the Engineer Department for the further prosecution of surveys for canals in the state of Indiana, operations were commenced on the first of July last. The line was resumed at the point where it had been suspended, the season previous, on the South side of the Maumee river and continued on the same side of that stream to a Bench mark, a short distance above the village of Defiance situate at the mouth of the Anglaize river, where it crosses by an aqueduct.

The line after crossing the river, was continued as far as Bad creek, when owing to the approach of the sickly season, the brigade was disbanded with the exception of one assistant, and the interval employed as far as general ill health would admit in preparing returns to the Department.

On the 22d of September following, the brigade was reorganised, and proceeded to the head of the Rapids, where as the Department is already aware, Asa Moore Esq. the Engineer intrusted with the execution of the surveys breathed his last. With the seeds of the disease incident to the climate in his system, having the worst consequences to fear from ex-

posure, and with a perfect knowledge of the danger to be incurred, such was nevertheless his zeal and anxiety to discharge his duty, that all considerations of a personal character vanished before it. However rash and imprudent the step may have been, yet the motive was such as must ever reflect the highest honour on his memory. In him, the Department has lost an able, faithful and honest servant, and society, a valuable member.

In consequence of this disastrous occurrence, the brigade was again disbanded and so continued until instructions were received from the Department for the completion of the survey which was resumed and finished accordingly. It comprises the whole of the Eastern section of the canal.

As soon after the completion of this work as practicable, a line "to ascertain the practicability of uniting by a canal, the waters of the St. Marys, St. Josephs' and Wabash rivers with the Ohio, thro' the valley of the White Water, was commenced and prosecuted for nearly thirty miles, when owing to the extreme inclemency of the weather, the brigade closed its labours for the season about the middle of January last. A reference to the profile and field notes of this second line, run for the same purpose, will, it is believed, fully justify the opinion that the route in question may justly be pronounced impracticable.

ERIE AND WABASH CANAL.

EASTERN SECTION.

SUBDIVISION 1st. This subdivision extends on the South side of the Maumee, from Bench mark, No. 22, on the line, dividing the States of Ohio and Indiana, a distance of 27 miles, 995 yards, to a Bench mark, 1 mile, 773 yards above the village of Defiance, where it is terminated by an aqueduct, 315 feet in length, having a descent of 56 feet by seven locks. The excavation will, for the most part be easy, the line running principally through a rich alluvial soil. In some instances, heavy embankments will be required, to cross wide and deep ravines, which, however, do not discharge water sufficient to render aqueducts necessary. This portion of the canal, will have to depend entirely upon the Maumee river, for a supply of water, which can easily be commanded by a dam. As it is highly probable that this dam will have to be erected above for the supply of a part of the Eastern portion of the middle section, no estimate for one upon this subdivision, has been made. The estimated expense for this part of the line, amounts to \$273,147 81.

SUBDIVISION 2d. From the crossing of the Maumee to the head of the Rapids, length, 33 miles 19 yards. Descent, 32 feet, by 4 locks.

The ground on this and the succeeding subdivision, differs in character from that of the preceding. Instead of a flat alluvial level, extending back from the river as in the former, we here frequently find a succession of bluffs, rising one above the other, and confining the scene of operations within narrower bounds. The line for the most part, follows the bluff of the river.

The excavation on this part of the route, will be more expensive, the ground consisting principally of sand and clay, here and there, intermixed with gravel. Two aqueducts will be required upon this subdivision, one across Turkey-foot creek, and the other across Bad creek; these, together with steep side cutting and a considerable quantity of walling, swell the estimate for this subdivision. Stone of a good quality can be obtained from the bed of the river for both these purposes.

This and the succeeding subdivision, have to depend, like the first, for their supply of water, upon the Maumee alone, and an estimate for two dams to effect this object, has accordingly been made. The waters of Tiffins' river, or Bean creek, a smaller stream, discharging into the Maumee a short distance above the crossing, can also be rendered available by a short feeder. Both streams were gauged on the 16th of July last, and were found to discharge, the Maumee 108. 30 cubic feet, and Tiffins' river 6. 18 feet per second. This quantity will, however, be much reduced, by the use made of the St. Josephs' river, as a feeder for the middle section of the canal; this stream being much the largest source of the Maumee itself. This consideration cannot fail to impress upon the mind of the Engineer, to whom the construction of the work may be committed, the absolute necessity of the utmost economy in the use of the water. Should it be deemed necessary to construct reservoirs, for the preservation of water during the dry season, several excellent sites are to be found upon the whole of this section.

SUBDIVISION 3d. From the head of the Rapids to the termination of the line at the village of Maumee, distance, 17 miles, 166 yards. Descent, 80 feet by 10 locks. This subdivision differs in some points of view from the preceding one. Owing to the vicinity of some of the head branches of Swan creek, a tributary of the Maumee, the ground especially, near its commencement, resembles in its flat and level character, that of

subdivision 1st. From the rapid descent of the river, more locks are rendered necessary on this subdivision than on either of the others. Limestone, however, of the best quality, both for building and making lime, can be obtained in the greatest abundance, from the bed of the river and quarries in the neighborhood. The excavation resembles in its character, that of the latter part of subdivision 2d.

Three points of termination for the canal, here present themselves to view. One at Lawrenceport, a village situated at the mouth of Swan creek, about 18 miles below the village of Maumee; another at a point, two miles below this latter village, and a third at the village itself. It has been represented by many respectable inhabitants of that country, that one of the principal branches of Swan creek, which heads near the beginning of this subdivision, affords the least expensive route for the canal; pursuing a straight course nearly its whole length through open woods and barrens, unobstructed by ravines. It was further urged, that obstructions existed in the Maumee river between this and both of the other points, and that it would conduce more to the general interests of the country at large, that the canal should terminate at that place, it being considered the undoubted head of the Lake navigation. But from information obtained from various sources, it was not thought that this latter objection was sufficiently substantiated to warrant the extension of the examinations this distance. The consideration also, that this village is situated in the territory of Michigan, caused it to be deemed improbable that the States of Ohio and Indiana, would consent to construct so great a work, when the benefit to be derived from its principal termination was to be reaped by another. These are the reasons which caused this point to be rejected.

It remains that the reasons which influenced the termination of the line at the village of Maumee, in preference to the point two miles below, should be stated. The arguments which appear most obvious in favor of the latter, are briefly these. It is a well ascertained fact, that the waters of Lake Erie, are subject to periodical rises and falls, and that these produce a corresponding effect upon the river. The line, as run the past season, terminated at the surface of the water, at that time affected by the rise of the Lake. It is also a well ascertained fact, that the river at Maumee, is materially influenced by the prevalence of an Easterly or Westerly wind, the one causing it to rise, and the other to fall, from two and a half to three feet in a few hours. It is also admitted, that there are two bars in the channel of the river, a short distance below,



subdivision 1st. From the rapid descent of the river, more locks are rendered necessary on this subdivision than on either of the others. Limestone, however, of the best quality, both for building and making lime, can be obtained in the greatest abundance, from the bed of the river and quarries in the neighborhood. The excavation resembles in its character, that of the latter part of subdivision 2d.

Three points of termination for the canal, here present themselves to view. One at Lawrenceport, a village situated at the mouth of Swan creek, about 18 miles below the village of Maumee; another at a point, two miles below this latter village, and a third at the village itself. It has been represented by many respectable inhabitants of that country, that one of the principal branches of Swan creek, which heads near the beginning of this subdivision, affords the least expensive route for the canal; pursuing a straight course nearly its whole length through open woods and barrens, unobstructed by ravines. It was further urged, that obstructions existed in the Maumee river between this and both of the other points, and that it would conduce more to the general interests of the country at large, that the canal should terminate at that place, it being considered the undoubted head of the Lake navigation. But from information obtained from various sources, it was not thought that this latter objection was sufficiently substantiated to warrant the extension of the examinations this distance. The consideration also, that this village is situated in the territory of Michigan, caused it to be deemed improbable that the States of Ohio and Indiana, would consent to construct so great a work, when the benefit to be derived from its principal termination was to be reaped by another. These are the reasons which caused this point to be rejected.

It remains that the reasons which influenced the termination of the line at the village of Maumee, in preference to the point two miles below, should be stated. The arguments which appear most obvious in favor of the latter, are briefly these. It is a well ascertained fact, that the waters of Lake Erie, are subject to periodical rises and falls, and that these produce a corresponding effect upon the river. The line, as run the past season, terminated at the surface of the water, at that time affected by the rise of the Lake. It is also a well ascertained fact, that the river at Maumee, is materially influenced by the prevalence of an Easterly or Westerly wind, the one causing it to rise, and the other to fall, from two and a half to three feet in a few hours. It is also admitted, that there are two bars in the channel of the river, a short distance below,

Eastern Section. Second Subdivision. From the crossing of the Maumee, to the head of the Rapids.

EXCAVATION.						EMBANKMENT.				LOCKS.		WALLING.				CULVERTS.				PAVING.				SUNDRIES.		TOTAL.																		
Length of portion	Distance on Sub-division.	Dist. in yards.	Cub. yards.	Price.	Amount.	Dist. in yards.	Cub. yards.	Price.	Amount.	No.	Lift in feet.	Am't	Dist. in yards.	Cub. yards.	Price.	Am't.	No.	Am't.	Sq. yds.	Price.	Amount.																							
Yds.	M.	Y.		cts.	dol. cts.			cts.	dol. cts.			dols.				dollars.																												
Amount brought forward					72857 44				23361 26			24000							1350			1404 00																						
14293	16.	611	1263	87821 16	14051 36	160	14720	22	3238 40								3	1450	2671 60		1602 60			20342 36																				
9853	16.	15963	380	14028 16	2244 48	605	17151	22	3773 22								1	1500						7517 70																				
1931	18.	73	1358	40157 16	6425 12	573	63714	22	14017 08										500 60		300 00			2072 20																				
363	18.	443	363	600 20	120 00	60																		120 00																				
937	18.	9813	937	24840 16	3974 40												1	270						4244 40																				
2651	20.	1123	1119	18895 16	3023 20	1532	59213	22	13026 86								3	2040						18090 06																				
2244	21.	5963	2137	81225 16	12996 00	107	15265	22	3358 30								2	340	1700 60		1020 00			17714 30																				
11053	21.	1602	1057	87180 10	8718 00							66794	86 2 50	23715			2	1473	2200 60		1320 00			35226 00																				
517	22.	359	484	8903 16	1424 48	33	733	22	161 26															1585 74																				
3223	22.	6813	3223	3348 10	384 80																			384 80																				
6183	22.	13003	6183	6874 13	893 62												1	90						983 62																				
3843	24.	16233	37403	131895 16	21103 20	108	5190	22	1141 80															22245 00																				
2077	26.	2073	2099	55020 16	8803 20												6	690						9493 20																				
9656	27.	11033	469	10715 16	1714 40	2121	137084	22	30158 48								2	1495																										
27633	29.	13473	3515	144287 16	2385 92	2483	29917	22	6531 74	1	8	8000					3	820					Aqueduct	13,300	46667 88																			
38903	31.	718	3518	71635 16	11461 60	372	19129	22	4208 38								3	640					Aqueduct	5,500	43987 66																			
7821	33.	019	1721	29073 16	4651 68	100	5040	22	1108 80								1	300	6075 60		3645 00			16309 98																				
																						Dam cross the Maumée, gate and weir		13,800																				9705 48
					197932 90				104135 5			32000				23715		12458			9291 60			32,600	412133 09																			



presenting serious obstacles to its navigation during the low stages of the water.

This channel was examined at a time, when it was not deemed likely to be influenced by either of the prevailing winds, and it is not believed, that when the Lake is on the decline and during the prevalence of a Westerly wind, a sufficiency of water will be found upon these bars to allow the passage of vessels, navigating the Lake, except those of the smallest class, to the upper, that can, at that time, find water sufficient, at the lower point. Below these obstructions, however, the water is of sufficient depth to admit vessels of a much larger size.

The line terminates at a point just where a steep bluff comes to the waters' edge, whence the channel, confined by a large Island, continues close to its foot all the way down to the lower point. It was thought best, after mature deliberation, to terminate the line at the upper point, and to suggest two modes for remedying the difficulties in the navigation below. One is to remove the obstructions on the bars, and the other to construct a tow path along the river bank, the necessary distance. The first can be effected at an expense not to exceed \$1,500, the obstacles consisting principally of detached masses of rocks. The other can be done at the ordinary price of simple excavation and embankment.

Either of these modes, it is believed, will obviate the necessity of continuing the canal any farther, without detriment to the interests of the country. The canal terminates by a basin and guard lock, part of the excavation for which, will be through limestone rock, furnishing a safe, secure and solid foundation.

It may be proper, here to remark, that in the estimates for this section, the prices for similar work upon the Ohio canal, has been followed as nearly as possible. The great body of water and ice, that descend the river in the spring, will require that the aqueduct and dams across it, should be constructed in the best manner, and of the most solid materials.

In closing this communication, I cannot but acknowledge the able and faithful assistance I have received in the preparation of this report, from Mr. George Smith, a gentleman who has for some time, engaged in this branch of science, with equal credit to himself and benefit to the department. His talents and industry entitle him to the highest praise my feeble pen can award.

Respectfully submitted,
 HOWARD STANSBURY,
Acting ass't Civ. Engineer.

First Subdivision, from the Ohio State line to the crossing of the Maumee above Defiance. Eastern section.

[illegible]

Eastern section. Second Subdivision. From the crossing of the Maumee to the head of the Rapids.

EXCAVATION.				EMBANKMENT.				LOCKS.		CULVERTS.		PAVING.		SUNDRIES.	TOTAL.
Length of portion.	Distance on Sub-division.	Dist. in Yards.	Cub. Yards.	Price.	Amount.	Dist. in yards.	Cub. yards.	Price.	Amount.	N ^o .	Lift in feet.	Am't	Sq. yds.	Price.	Am't
Yds.	M. Y.			cts.	dol. cts.			cts.	dol. cts.						
803	803	664	1269	16	263 04	13	27367	22	6020 74	1	8	8000	2	420	16047 78
1020	1. 063	862	82167	16	13176 72	15	13831	22	3042 82	2			2	380	1659 54
2166	2. 479	2026	45477	10	4547 70	14	5540	13	720 20						5267 90
269	2. 748	269	4427	16	708 32										708 32
2665	3.1653	2556	28400	10	2840 00	10	2306	13	311 48	1			1	90	3241 48
94	3.1747	61	723	16	115 68	3	1026	22	225 72						341 40
788	4. 7753	788	12877	10	1187 70	8	10770	22	369 46						1287 70
2563	5.1585	2486	42561	16	6809 76										9179 16
1138	6. 963	1138	25596	10	2559 60										2559 60
1473	7. 676	1407	50826	16	8132 16	6	2654	22	583 88						8716 04
1230	8. 146	1176	20499	10	2049 90	5	3228	13	419 64						2469 54
421	8. 567	421	16227	13	1329 51										1329 51
330	8. 897	297	7186	10	718 60	3	1048	13	136 24						854 84
1163	10. 301	970	17676	16	2828 16	1	6103	22	1342 66						4170 82
726	10.1027	726	8135	10	813 50										813 50
1143	11. 407	1140	15317	16	2450 72										2450 72
376	11. 783	312	9127	10	912 70	6	2226	13	289 38						1202 08
1552	12. 575	1528	62161	16	9945 76	2	1205	22	264 66						10210 42
1631	13. 447	1531	48775	16	7804 00	10	562	22	1238 38	1	8	8000	3	460	17502 38
1817	14. 504	666	6243	13	811 59										811 54
2198	15. 942	1796	17577	16	2812 32	40	2907	22	6396 06	1	8	8000			10008 38
					72857 44				3341 96					1464	199472 70

Eastern section. *Third Subdivision. From the head of the Rapids, to the termination of the line, at Maumee.*

[illegible]

(A.)

Dr. Board of Canal Commissioners, in account current with the State of Indiana, Cr.

To cash,	By amount paid for Stationary, (see voucher, No. 1.)	
	\$1000 00	\$55 96
		“ amount paid for provisions, for hands, camp-equipage, and transportation of bag- gage, (see voucher, No. 2.)
		269 83½
		“ Hire of surveyor, clerks, & hands, (see voucher, No. 3.)
		621 22½
		“ Cost of surveyors' compass and platting instruments, (see voucher, No. 4.)
		79 00
		“ David Burr, for services as Canal Commissioner 131 days, at \$2 00 per day, (see account rendered, No. 5.)
		362 00
		“ Samuel Hanna, for services as canal commissioner, 43 days, at \$2 00 per day, (see account rendered, No. 5.)
		86 00
		“ Jordan Vigus, for services as canal commissioner, 135 days, at \$2 00 per day, (see account rendered No. 5.)
		270 00
Balance due, for which there is no appropriation.	746 96½	\$1743 96½
		\$1743 96½

ERRATA—In 3d page, 2d line from the bottom, for did come, read did not
come; and 4th page 11th line, for land district read canal district.



(B.)

REPORT

OF THE SUPERINTENDENTS

OF THE CUMBERLAND ROAD.

INDIANAPOLIS, DEC. 14, 1829.

*The Honorable, The Speaker of the House of Representatives
of the State of Indiana:*

SIR: We have the honor of presenting to you, and through you, to the House of Representatives of our State, two reports, and a letter, explanatory of the same, pertaining to the National Road.

Having been appointed Superintendents or Commissioners of that part of said road located in Indiana, we feel it to be our *duty*, at all times, and it is certainly our wish, to give, not only to the Legislature, but to every citizen of our state, that information, which will enable him to judge correctly, as to the *manner* of expending, and the *amount* expended by us, its progress, &c.

Enclosed are the reports and letter, all of which is respectfully submitted.

We have the honor, &c.

H. JOHNSON, }
JNO. MILROY. } *Super's, &c.*

Indianapolis, Dec. 14, 1829.

The Honorable, The Speaker of the House of Representatives of the State of Indiana:

SIR: We have the honor of laying before you, a report of the contracts for cutting and grubbing; and of the progress of the National Road in our State.

The amount of contracts for this work, is, as appears by the reports, herewith furnished, as follows, *to wit*:

For cutting and removing the timber,	\$17,292.00
" Grubbing the centre, 30 feet,	16,597.00

Amount,	\$33,889.00
---------	-------------

Add to this our salary for one year, ending 12th April, 1830,	1,600.00
--	----------

Total amount,	35,489.00
---------------	-----------

This sum, taken from the present appropriation, will leave remaining unexpended, \$14,511 for further operations on the road. Although this calculation may not prove to be *precisely* the amount, it certainly will be *nearly* so.

The work has progressed beyond our most sanguine expectations; about two-thirds of the cutting, and perhaps one-eighth of the grubbing is done, and but for the unfavorable season for the last six weeks past, we are confident, that three-fourths of the whole work under contract would have been done; and had the weather continued favorable, by the first day of January next ensuing, the whole, or nearly so, of all the contracts would have been finished. In letting out the contracts for cutting and removing the timber from off the road, we spared, on our part, neither trouble nor expense, keeping only the good of the general government, and that of our own state, constantly in view.

In order to excite competition, and do the most and best with the appropriation, we divided the distance through the state, into five sections or districts, *to wit*: Centreville, West Liberty, Indianapolis, Stiles' and Terre Haute; and advertised for proposals for contracts, at those places; giving ample time between each. After having entered into contracts to cut and remove the timber, the whole distance through the state, with the exception of a few unrelinquished miles, we received from the war department, instructions, authorizing us to grub the centre, 30 feet, instead of cutting it; provided the present appropriation would be sufficient to grub the *whole* distance. On the reception of this letter, we made an estimate, and informed the secretary of war, that \$35,000 would cut and remove the timber, and grub the centre, 30 feet, the *whole* distance through the state. The correctness of this estimate, will be seen on examination of our reports.

The grubbing has been let out to the former undertakers, on private contracts, and on good terms. We think we may safely calculate, that the present contracts will be finished by August next. After the present contracts are completed, the road will be prepared for bridging and grading; but the sum remaining of the present appro-

priation, will be too small to commence this work. We have made some calculations as to bridging and grading; and are of opinion, that unless another appropriation is had, we can only dig down some of the *worst* banks, and improve some of the *worst* places, leaving the road still almost impassable and useless. We hope your honorable body will memorialize Congress, to grant an appropriation of \$50,000, and likewise instruct the Senators, and request the Representatives, from this state, to use their exertions, to obtain this amount, which, in addition to that now remaining, will enable us to do much next summer. We would suggest, that the road, in the situation in which the grubbing leaves it, will be utterly impassable, were it owing to nothing else but the deep holes made in digging up the trees and stumps in the centre; but in addition to this difficulty, there are *many* very deep and long ravines, *many* steep banks at streams and other places, that *must* be dug down; *many* streams that *should* be bridged; and *many* low and *swampy* places, that *must* be raised and ditched, before it can be made a *tolerably* good or even a *passable* road.

The governor, in his message, has recommended the passage of a law, which will enable us to open the road over the lands of some who *have not* relinquished, and others who *will not* relinquish, the right to the United States, to make the road over their land. Although we report but four miles *unrelinquished*, yet there are several under *contract*, that were let out under assurances of relinquishments being obtained; but the owners of the land have *refused* to relinquish, and the contractors have been compelled to stop their work. We are now anxiously waiting for the passage of this law, that we may *immediately* put *all* the road under contract.

Finally, our duties are arduous, attended by danger and expense; but we shall never shrink from them, but use our best exertions in the saving of the money, and expediting the work.

We have the honor to be, &c.

H. JOHNSON, }
JNO. MILROY, } *Super's, &c.*

REPORT OF SUPERINTENDENTS

Of the Cumberland Road, as to appropriation, amount expended, &c.

Amount of appropriation,	\$50,000 00.
Amount for cutting and removing timber whole distance through the state,	17,792 00
Amount for grubbing the centre, thirty feet, whole distance through the state,	16,097 00
Superintendents' salary one year, ending on the 12th day of April 1830,	1,600 00
Total amount of appropriation now under contract, &c.	35,489 00
Amount of appropriation, yet remaining unexpended,	14,511 00

HOMER JOHNSON, }
JOHN MILROY } *Super's. &c.*

Indianapolis, Dec. 14, 1829.

REPORT OF THE SUPERINTENDENT'S

Of the Cumberland Road, in the state of Indiana, as to cutting and removing the timber, and grubbing the centre, thirty feet.

Number of sections or miles in the state of Indiana,	148½	
Number of sections under contract for cutting and removing the timber,	141½	
Amount of contracts for cutting and removing the timber,		\$17,292 00
Number of sections under contract for grubbing the centre, thirty feet,	141½	
Amount of contracts for grubbing the centre thirty feet,		15,597 00
		<hr/>
Total amount of contracts for cutting and removing the timber and grubbing the centre, thirty feet,		32,889 00
Number of sections not yet relinquished for the road, to the United States,	4	
Supposed amount for the unrelinquished sections, for cutting and removing the timber,		500 00
Number of sections not yet under contract for grubbing the centre, thirty feet,	4	
Supposed amount for grubbing the centre, thirty feet, of the unrelinquished sections,		500 00
		<hr/>
Total amount for cutting and removing the timber; and grubbing the centre thirty feet, the whole distance through the state,		33,889 00

NOTE. Two miles in Fort Harrison Prairie, and one mile through the town of Indianapolis, not included in this report.

HOMER JOHNSON, }
JOHN MILROY. } *Super's, &c*

Indianapolis, Dec. 14, 1829.

